

1 SACRAMENTO, CALIFORNIA, NOVEMBER 17, 1999 - 9:30 A.M.

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3 CHAIRMAN EATON: Good morning, everyone,
4 and welcome to our final day of our three-day meeting for
5 November. First, let me welcome you all here. It's been
6 a long time coming, and we're very, very appreciative of
7 the fact that many of you have traveled a long distance
8 and some short distances to be here with us today on our
9 special agenda item, the Disposal Reporting System.

10 We thought it was important rather than
11 just do a workshop that it be a regular scheduled Board
12 agenda item, which I think all of the Members share our
13 seriousness about trying to flush out some of the issues
14 that have been brought to our attention, as well as try to
15 begin the record to seeing how we can reconcile some of
16 the issues as it relates to some of the issues within the
17 Disposal Reporting System.

18 Today we have a very, very long agenda.
19 There's going to be four panels. The panels will be made
20 up of a series of speakers of which I'm grateful for those
21 who accepted the invitation to participate and could make
22 it here. I think they're going to offer a lot of
23 information as well as a lot of their own comments.

24 They'll each make a presentation,
25 hopefully no longer than five minutes. We will keep

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1 strict time limits on that so that those of you who are in
2 the audience that aren't on the panel but want to
3 participate will be able to do so at the end of the panel.

4 The Board will also ask questions of the
5 panel members for each panel, and thereafter we will go on
6 to the next panel.

7 Before I do, if I can just establish a
8 quorum. Madam Secretary, will you please call the roll.

9 BOARD SECRETARY: Board Members Jones.

10 BOARD MEMBER JONES: Here.

11 BOARD SECRETARY: Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: Here.

13 BOARD SECRETARY: Pennington.

14 BOARD MEMBER PENNINGTON: Here.

15 BOARD SECRETARY: Roberti.

16 BOARD MEMBER ROBERTI: Here.

17 BOARD SECRETARY: Chairman Eaton.

18 CHAIRMAN EATON: Here.

19 Quorum is established.

20 Members, any ex parte communications to
21 report? Mr. Pennington.

22 BOARD MEMBER PENNINGTON: Mr. Chairman,
23 first let me apologize for not wearing a tie today, but I
24 only own two ties.

25 (Laughter)

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1 CHAIRMAN EATON: It's not a solicitation
2 for a gift, is it?

3 (Laughter)

4 BOARD MEMBER PENNINGTON: I have a fax
5 from Diane Herrington, Recycling Coordinator, City of
6 Glendora; and a fax from Judy Chu, Mayor of City of
7 Monterey Park.

8 CHAIRMAN EATON: Mr. Jones.

9 BOARD MEMBER JONES: Actually,
10 Mr. Chairman, the same ones -- Diane Herrington and Judy
11 Chu.

12 CHAIRMAN EATON: Ms. Moulton-Patterson.

13 BOARD MEMBER MOULTON-PATTERSON: I have
14 none.

15 CHAIRMAN EATON: I just have one from the
16 City of Monterey Park, Judy Chu as well. I had a couple
17 of meet-and-greets, Chuck White and J. Michael Huls.

18 Today, as you well know, we're going to
19 deal with the Disposal Reporting System. For those of us
20 on the Board who have been able to travel around and also
21 seek some input, we've tried to arrange it in panels by
22 which a number of the issues can be clumped together
23 because we do realize and understand that there are
24 problems inherent within the system. Hopefully this will
25 be at least the beginning of the road to seeking somehow a

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1 course of action, that we'll wind up with adjustments and
2 corrections so that the whole intent of AB 939, as well as
3 its implementation, and therefore the precursor to the
4 Senate Bill 1066 extension program can be factored in so
5 that a lot of the anxiety and uneasiness that is present
6 out there will hopefully be somewhat lowered, but at the
7 same time we will be constructive in how we approach those
8 problems.

9 With that, I'll see if any other Board
10 Members care to make any comments, and if not, we'll begin
11 with our first panel.

12 Mr. Pennington.

13 BOARD MEMBER PENNINGTON: No.

14 CHAIRMAN EATON: Mr. Jones.

15 BOARD MEMBER JONES: No, sir.

16 CHAIRMAN EATON: Ms. Moulton-Patterson.

17 BOARD MEMBER MOULTON-PATTERSON: Mr. Chair,
18 I would just like to say these panels will be particularly
19 informative to me because I haven't been on the Board that
20 long, and I really want to thank everybody for
21 participating.

22 CHAIRMAN EATON: All right.

23 Item Number 5, discussion of state Disposal
24 Reporting System. We'll first have a presentation by
25 staff, Mr. Pat Schiavo.

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1 Thank you.

2 MR. SCHIAVO: Good morning. Pat Schiavo of
3 the Diversion, Planning and Local Assistance Division,
4 and I would like to provide you with a brief overview of
5 the Disposal Reporting System, its roots and where it's
6 gone, and some of our observations of the system, what
7 we've been hearing.

8 To begin with, in the beginning we had AB
9 939, and it required that each jurisdiction meet certain
10 diversion mandates and it didn't allow for regionalization
11 at that point in time. And at that time, also another
12 main feature of AB 939 was that each jurisdiction was to
13 quantify all disposal plus diversion.

14 A couple of years after that, in 1992, AB
15 2494 was enacted, and this changed the law and modified it
16 to focus on disposal reduction and it reduced the need to
17 look at diversion. It also allowed for regionalization by
18 jurisdictions. We currently have 88 jurisdictions that
19 are now participating in a regional agency. By doing
20 this, the intent was to simplify reporting and take
21 advantage of economies of scale in the system.

22 With the enactment of AB 2494, regulations
23 were then promulgated. This took a span of a couple of
24 years. It entailed numerous workshops, informal
25 workshops, trying to obtain public input, as well as

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1 several public hearings, formal public hearings, to enact
2 the regulations.

3 The focus of the regulations was to create
4 flexibility for local jurisdictions in obtaining their
5 disposal reporting information. It required quarterly
6 waste origin surveys. However, jurisdictions had the
7 ability to have more frequent surveys if they wish, have
8 surveys take place on alternative days or time periods,
9 establish how they wanted to conduct the gate surveys. So
10 it did allow for quite a bit of flexibility. And then the
11 jurisdiction disposal tonnage allocations were based on
12 the survey estimates that took place based on quarterly
13 surveys.

14 In the Disposal Reporting System itself,
15 quarterly reports are obtained to estimate the tonnage
16 disposed of by each jurisdiction. The County then
17 provides this data to the Board and to jurisdictions. The
18 jurisdictions then in turn compile their annual report,
19 looking at what their disposal reduction was for a given
20 year and submit that information to the Board. The Board
21 then determines, based on the disposal reporting
22 information, whether or not we agree with the calculations
23 that were made or whether or not we don't, and then we try
24 to work with the jurisdictions to work through the
25 problems of the disposal reports.

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1 One of the questions we receive sometimes
2 is what is disposal, and disposal is made up of primarily
3 three major elements. The first is all tons that are
4 disposed at a Board-permitted facility. This includes
5 about 96 percent of all the waste that flows through the
6 system. This second element is all waste that flows
7 through a transfer -- Board-permitted transformation
8 facility, and this includes about two percent of the
9 waste flow. And then finally, all tons that are exported
10 out-of-state and this includes about two percent of the
11 waste also.

12 The next chart or table or graphic you're
13 going to see -- there's copies in the back of the room as
14 well, colored copies -- and this shows briefly a flow of
15 the waste and the reporting information through the
16 system. Waste origin information comes from haulers.
17 Haulers can be franchise, the public. It can be any
18 entity that delivers the waste to either a landfill or
19 transformation facility, in addition to transfer stations
20 and material recovery facilities. The information from
21 the material recovery facility or transfer station is then
22 delivered to landfills or transformation facility
23 depending on the circumstance.

24 That information is then compiled and
25 delivered to the Counties and agencies, along with export

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1 information that's derived from transfer stations and
2 haulers, reports they've compiled. The County will then
3 compile the information from those -- from the landfill
4 and transformation facilities, allocate it out to
5 jurisdictions and then submit the reports to the
6 jurisdictions, along with the Board.

7 Now, uses for the information vary.
8 There's quite a few uses. One primary use is
9 jurisdictions have it for goal achievement, whether or not
10 they met the 25-percent or 50-percent mandate. Two is at
11 the Board level, we look at countywide as well as
12 statewide diversion rate. So annually when we compile the
13 statewide diversion rate, we use this information. Also
14 for various analytical purposes, we look at, as well as
15 jurisdictions can use the data, we're looking at the data
16 for the potential for regionalization, look at the trends
17 in waste export and see how they're turning upward or
18 downward, for the variances in that, look at alternative
19 daily cover usage, are there potential abuses of
20 alternative daily cover, look at the trends in that, look
21 at percentages statewide and regionally. We can use it
22 for those purposes as well as other goal measurement
23 purposes that arise during a particular time frame.

24 We also use this data to forecasted local
25 and state disposal, and as we obtain more data, we'll have

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1 more historical information, have more ability to have
2 accurate trends. We also use the information as a check
3 and balance with the Board of Equalization fee payment
4 system.

5 Now, there's been a lot learned since the
6 inception of the law, as well as since inception of the
7 regulations and implementation of the Disposal Reporting
8 System. It's been in place now since 1995, for about four
9 years, and what's dovetailed and what we have learned is
10 potential issues or real issues, just observations, and
11 things you're going to be hearing in the panel discussions
12 later.

13 Disposal issues change over time. For
14 instance, at one point in time in 1995, host jurisdictions
15 issues with orphan waste were one of the leading issues
16 that we were hearing from jurisdictions. At that time
17 there was over 750,000 tons that were orphaned. Today,
18 the amount of tonnage orphaned reported to us is about
19 25,000 tons. So that particular issue has been reduced.
20 However, there are several others that have arisen as a
21 result of that.

22 Jurisdictions in the base years did not
23 include, or many did not include, all the self hauled
24 materials. We wouldn't have known how significant that
25 was until we put the system into place. Some

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1 jurisdictions are impacted by more than 50 percent with
2 self hauled materials. That's significant when trying to
3 measure goal achievement and can impair a jurisdiction's
4 ability. Also, lack of scales caused a lot of accuracy
5 reporting problems. When the law was first formulated,
6 probably half the landfills in the state did not have
7 scales. That's changed dramatically over time.

8 Some other information is the inaccurate
9 reports submitted by haulers. In some cases, it's nothing
10 more than inaccurate reports submitted. In other cases,
11 it's because collection is taking place in areas in which
12 they should not be collecting that material and then don't
13 want to report it accurately because they're afraid of
14 being caught. There's other issues as well. There's
15 incompatible survey methods that have been taking place.
16 In some jurisdictions there's daily reporting that takes
17 place in a jurisdiction. Close by our county, there is
18 quarterly reporting taking place. When the information is
19 compiled, sometimes there's double-counting in the system.

20 There's jurisdiction -- this was never
21 envisioned as well. Jurisdictions with similar names
22 misreported, and we've been getting a better handle on
23 this. For instance, we have Los Altos, Los Altos Hills.
24 When people go to the gate, they just misreport Los Altos
25 for Los Altos Hills and vice versa. We have that going on

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1 and that's been getting remedied as we go through the
2 system.

3 Another one is city boundaries are not
4 clear and not well known by many haulers. If you look at
5 the chart up here at San Bernardino, and up on the monitor
6 as well, as an example, in San Bernardino you have the San
7 Bernardino unincorporated area and it literally has
8 islands dispersed throughout jurisdictions. Well,
9 legitimately people at times do not know where their waste
10 was derived and that's been problematic. And it's not
11 just San Bernardino, it's counties throughout the state in
12 which we've seen this issue.

13 Some other information is the amount of
14 types of waste disposed vary over time. There is no
15 straight-line trends. It varies from quarter to quarter,
16 sometimes depending on manufacturing processes changing,
17 purchasing behaviors changing, seasonality, whether --
18 there's a whole host of reasons, major projects taking
19 place of why disposal amounts vary. Also we've seen in
20 some cases the minimum requirements work very well with
21 jurisdictions and other cases they don't. It needs to be
22 tailored to each individual jurisdiction's needs. We have
23 a very dynamic state and this needs to be recognized.

24 Jurisdictions where a landfill is located
25 may get extra tons. What I mean by that is in some cases

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1 when a landfill is located in a particular jurisdiction
2 and there's economic benefit to haulers that are
3 collecting from that particular jurisdiction and go to
4 that landfill, and sometimes we'll have haulers from other
5 jurisdictions using the name of that particular
6 jurisdiction so that they can get some of those economic
7 benefits as well.

8 And finally -- this seems like the
9 obvious -- but waste flow is complex. If you look at the
10 graphic on this page -- and again, I don't think we would
11 have ever known how complex unless we had the system in
12 place. This graphic is Orange County, and what it shows
13 is how Orange County has about 3 million tons of disposal.
14 There is about a million tons that is imported from
15 neighboring counties, and Orange County also exports a
16 couple hundred thousand tons to various counties as well.
17 And again, this is representative of a lot of different
18 counties and jurisdictions that we have seen, and we
19 wouldn't have known this without the system in place. I
20 think back in 1990-'91 it was thought the waste was a
21 little more provincial in nature, and that is definitely
22 not the case.

23 Finally in summary, again, waste flow is
24 complex and ever changing. It's very dynamic in nature.
25 Obtaining reasonably complete and accurate disposal data

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1 requires the cooperation of many parties from the state
2 assisting you and working with you to your relationships
3 with jurisdictions, the County, haulers, transformation,
4 landfill operators. So it needs to be a team effort to
5 make this work well.

6 And finally, there's currently 88
7 jurisdictions right now that have formed regional
8 agencies, and this has had major benefits in tracking the
9 waste flows and obtaining more accurate information.

10 That concludes my presentation.

11 CHAIRMAN EATON: Thank you, Mr. Schiavo,
12 and thank you for keeping within your allotted time. It's
13 greatly appreciated by all.

14 One bit of housekeeping matter, Madam
15 Secretary, please reflect that Senator Roberti is present
16 and also on the roll.

17 Senator, any ex partes?

18 BOARD MEMBER ROBERTI: Yes. Thank you. I
19 would like to report communication from Judy Chu, Mayor of
20 the City of Monterey Park regarding the Disposal Reporting
21 System, and Diane Herrington with the City of Glendora
22 regarding the Disposal Reporting System.

23 CHAIRMAN EATON: Thank you. Okay.

24 Mr. Leary, our first panel is self haul.

25 And thank you, speakers, for attending and hopefully

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1 you'll stay within the time allotment. We have time
2 keepers over there who are going to be flashing cards or
3 giving crazy signals or hand signals.

4 Mr. Leary.

5 MR. LEARY: Thank you, Mr. Chairman and
6 Members of the Board. My name is Mark Leary with the
7 Office of Local Assistance here at the Board.

8 It's my pleasure to introduce panel number
9 one which we've broadly defined as self haul. Self haul
10 is waste delivered to a landfill by someone other than the
11 franchised hauler. They may range from the homeowner
12 taking his spring cleaning debris to the dump, to the
13 commercial roofer taking his waste shingles to the
14 transfer station.

15 Self haul encompasses waste tonnage that
16 does not have an obvious jurisdiction of origin, e.g. a
17 franchise, that is readily identifiable at the landfill.
18 Without this obvious point of origin, identification
19 allocation to a particular jurisdiction becomes
20 problematic. Accurate attribution to a jurisdiction then
21 becomes dependent on a number of factors including A, the
22 driver knowing specifically which jurisdiction from which
23 the waste originated; B, language barriers that may exist
24 between the driver and the facility; C, the disincentives
25 like additional gate fees, contractual guarantees to

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1 achieve 50 percent diversion exclusions do not prevent the
2 reporting of the point of origin accurately; and D, the
3 accuracy of the facility, i.e. the landfill, transfer
4 station, material recovery facility, using an average
5 tonnage amount for each type of self hauled vehicle.

6 We've specifically asked the panel a number
7 of questions. They may address these questions
8 individually or they may have their own remarks obviously
9 to offer, but some of the questions we offered for them to
10 consider were A, what specific types of inaccurate self
11 haul allocation occur regularly; B, what is the extent of
12 the problem with language barriers and how have you
13 overcome it; C, what questions or other methods have you
14 found to be most effective in obtaining accurate self haul
15 information; and D, what methods are used determined to
16 determine the accuracy of the average tonnage amount for
17 each self haul vehicle.

18 It's my pleasure now to introduce the
19 members of our panel -- Jan Goss, who is coming from the
20 County of Orange, I know is going to be running a little
21 late and hopefully she'll be able to join us before the
22 panel concludes; in addition to Jan, we've got Bob Kohn
23 from the (inaudible) Regional Agency; Mr. Chuck White from
24 Waste Management; Mr. Jim Greco from California Waste
25 Associates; Kevin Curanchio from the City of Ramon; and

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1 Mr. Bill George from the L.A. San District.

2 Maybe it would be appropriate that we start
3 at the beautiful northern half of our state with County of
4 Tehama, and at the end of our panel, and Mr. Kohn, if you
5 wouldn't mind starting.

6 MR. KOHN: Is this working? I'd like to
7 start by saying I guess I feel very fortunate in being one
8 of those 80 jurisdictions that have formed a regional
9 agency. The agency I work for was successful in getting
10 three cities and the County to set aside territorial
11 differences and fears and formed a regional agency, which
12 solved a lot of our problems that are discussed in the
13 papers here.

14 In addition to that, we have one landfill
15 and three small transfer stations. The landfill sits 15
16 miles inside the County's boundary, and the rates are a
17 little bit higher than neighboring counties, so
18 out-of-county waste is not a problem. So I'll probably be
19 talking about problems in the past tense that we've had
20 and address the questions that they have here.

21 One of the problems that we did have was
22 the source of materials jurisdiction. It's not properly
23 identified. There are a lot of reasons for that. As an
24 example, City of Corning, you may have people who live on
25 the fringe. Well, they think they live in the city but

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1 they really don't, and that's a problem. So you have to
2 be very specific on the questions that you ask them when
3 they come through the scales. You have to ask them where
4 their waste is coming from and you have to pry a little
5 bit and actually try to get an address from them.

6 Types of waste material -- we get a lot of
7 mixed loads, is it construction-demolition or is it yard
8 waste or both? That causes some difficulty. Whether or
9 not the waste is residential or commercial is difficult to
10 obtain. There are a lot of reasons for that. Perceptions
11 that we charge more, things like that.

12 As far as language barriers, we try to hire
13 people that are bilingual. We have a lot of Spanish
14 speaking people out there. One thing I have determine is
15 that regardless of the language they speak, they
16 understand money. So when you're assessing fees, that's
17 not really a problem. So we've done that on the
18 bilingual.

19 One of the things we've done that we found
20 most effective is -- one I've already mentioned asking
21 where the garbage is coming from and not where the person
22 is from. We also record license numbers. The other thing
23 we do is we weigh every vehicle that comes in. We don't
24 do volume-based rates, and that solved a lot of problems.
25 A lot of disputes are no longer there.

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1 We've also contracted with the CCC to do
2 surveys at our remote transfer sites, asking people where
3 they're coming from, why they use the facility. A lot of
4 different questions, and not focusing specifically on
5 where they're coming from, but we get that information.

6 Your question number D, basically our
7 answer to that is we weigh everything. We don't do any
8 volume-based conversions and that type of thing, although
9 my past experience involves three different landfills and
10 serving eight different jurisdictions and certainly have
11 problems with volume-based there.

12 Current landfill that we have, we average
13 about 150 tons a day. Self hauls make up about 60 percent
14 of that volume. We've gone from doing everything by
15 volume in July of '97 to weighing everything, so that's
16 helped.

17 I still do report to the jurisdictions
18 their disposal amounts, but I think from a regulatory
19 standpoint with the regional agency we could just report
20 one.

21 I don't -- I don't know that I have much
22 else to add to that. If you have any other questions, I
23 would try to answer those.

24 CHAIRMAN EATON: Thank you, Mr. Kohn.

25 Mr. Greco.

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1 MR. GRECO: My opening remarks are focused
2 more generally, and I think it's very positive that you're
3 conducting this workshop. There's still the feeling of
4 frustration out there on the part of municipalities
5 inasmuch as they're caring, wanting to be empathetic,
6 understanding is a positive. I also realize that we have
7 to be trying to be constructive and positive to solve the
8 problems, but despite an excellent identification of all
9 the serious problems to count disposal, you really -- I
10 think we really don't know how much resources it's taking
11 all of us until you actually get into it.

12 When you try to solve problems going back
13 to 1990 or '95, and the resources, your resources, our
14 resources, it's frustrating and it's tedious. I think in
15 my mind there's a question of obviously this Board has to
16 work within the statute. Can the problem be fixed by
17 fixing policy and not having to worry about the
18 regulations? Can the problem be fixed by adjusting the
19 regulations, or does it mean having to go back and amend
20 the statute? I think whatever that framework is helps to
21 better define the situation.

22 Solid waste collection, I think we all
23 know, is locally based. Locally, locally based
24 collection. In other words, cities, towns, districts.
25 They're very involved in collection. Solid waste disposal

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1 is not as local. Solid waste disposal is more regional,
2 and I think that's important because when we look at where
3 the waste is coming from, the waste sheds served by
4 landfills, transfer stations, MRFs, is becoming larger and
5 larger. That exacerbates the problem.

6 While I appreciate the desire to work
7 within the statute and to work within the existing
8 regulatory structure, I think we have to look more closely
9 at maybe what the statute says, and I've been reading it
10 and rereading it, and I would like to quote Section PRC
11 41821.5A because it picked my attention for one particular
12 clause. "Disposal facility operators shall submit to
13 counties information from periodic tracking surveys on
14 disposal tonnages by jurisdiction or region of origin
15 which are disposed of at each disposal facility," disposal
16 facility operators and then counties, in turn, are
17 supposed to let those cities know.

18 What I'm getting at is I don't know how
19 region of origin is defined. What I'm getting at is that
20 maybe, maybe we should look at assessing the problem in
21 trying to look at a waste shed in a region, and when you
22 look at this state, many of these allocation problems from
23 self haul will go away and they're more logically better
24 defined in a Countywide system.

25 There are still a lot of cities and towns

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1 that rely on the counties. Maybe they don't communicate
2 as well as. When you look at Lake County and its two
3 cities, that's pretty much a waste shed. Tehama area is
4 pretty much a waste shed. And if you looked at the
5 greater L.A. area, how many of those solving of those
6 problems would go away if that were to be looked at in a
7 waste shed or at least in a countywide area.

8 I'm throwing out ideas and I know they're
9 fraught with problems to try to address how to solve them,
10 but I think we really have to look maybe at what if the
11 counties were to report to the cities that here's what the
12 disposal would be for our region, and how does this
13 compare when you calculate your diversion rate -- the
14 regionwide one versus the jurisdiction.

15 You know a lot of times in a given
16 geographic area a lot of the diversion programs are
17 similar. They're very similar, so there shouldn't be too
18 much diversity. Yeah, there might be more commitment from
19 one jurisdiction over another, but just think of how many
20 of these problems would go away if we could look at this
21 on a broader scale. I know 939 went from broad
22 state-based down to County, down to locality, but when you
23 look at where we're at now, maybe it's time to look at
24 going back to Countywide for a waste shed area.

25 In closing, I'm going to be going to

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1 Chicago Friday to celebrate Thanksgiving with family and
2 friends. I was thinking if I were to try to describe in
3 answering the question, "How are you, Jim? What are you
4 doing," and I explained it -- and they might be a solid
5 waste professional, we'll talk trash, we'll talk about
6 what's going on -- and I would explain what we're doing in
7 California, I think I would hear, "Why are you doing that?
8 How are you tracking that disposal?"

9 I know it's a problem, but I'm trying to
10 heighten the awareness that maybe to solve that problem
11 we're going to have to do some fixes. And when I referred
12 to that region of origin in the statute, maybe that does
13 allow interpretation beyond regional agency-type
14 interpretation so that when a County and a disposal
15 facility has to report the region of origin, it's getting
16 more at looking at how are we doing with 939 counting on a
17 broader basis and maybe there's some leeway of also
18 identifying, compare this to what your rate is when we
19 tried to allocate tonnage and you as a city, small town,
20 third district, calculate your diversion rate.

21 CHAIRMAN EATON: Thank you, Mr. Greco.
22 Mr. George.

23 MR. GEORGE: Good morning, Mr. Chairman and
24 Members of the Board. Thank you for the opportunity to
25 address the Board and the issue of 939 compliance with

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1 respect to the Disposal Reporting System.

2 The sanitation districts of Los Angeles
3 County currently operate the largest DRS in the state. At
4 our four landfills in the Commerce Refuse to Energy
5 facility -- it's the first time anyone has ever said that.

6 (Laughter)

7 CHAIRMAN EATON: It should be reassuring
8 that someone is listening. That's how I always feel.

9 MR. GEORGE: At our four landfills in the
10 Commerce Refuse to Energy facility, we dispose of
11 approximately 18,000 tons of solid waste a day, delivered
12 by an average of 3,300 trucks. The Puente Hills landfill
13 itself, which takes in 13,200 tons a day delivered by
14 approximately 1,500 trucks, is by far the largest and
15 busiest operation of its kind in the United States.

16 We take the job of collecting the
17 information very seriously, and we work closely with the
18 staff at the state, County and local levels to make sure
19 the jurisdictions that use the site get the very best
20 information possible, consistent with the guidelines in
21 the current DRS. Although most of the people in the state
22 think of us, when they think of us, as a disposal agency,
23 we have been involved with trying to divert the material
24 from the landfills for many years. We have been pretty
25 much successful in this effort.

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1 With the passage of AB 939, the districts
2 built on its prior efforts in the City and the County by
3 taking a leadership role in helping the jurisdictions in
4 the L.A. County area to prepare their SRREs. We believe
5 if they got together in groups, they would get not only a
6 better product, a better document, but by working together
7 they would see the regional issues involved and the solid
8 waste efforts. The districts encourage the jurisdictions
9 to participate by not only offering staff assistance, but
10 by allocating \$1 million to help fund the cost of the
11 SRREs.

12 This effort was mostly successful at many
13 jurisdictions joining groups. The effort, however, wasn't
14 without problems. AB 939 was enacted with some fairly
15 tight time requirements. It took a while for the Board to
16 be appointed and have sufficient staff available to assist
17 the jurisdictions. It took even longer for guidelines and
18 regulations to be established. We had inexperienced --
19 and by inexperienced I mean no one had ever done an SRRE
20 before -- and (inaudible) was trying to lead jurisdiction
21 staffs who were experiencing a very steep learning curve
22 with respect to solid waste issues. We had a lot of
23 haulers who were reluctant to provide disposal information
24 for a variety of reasons, and because no one really knew
25 what was going to be required or how the SRREs were going

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1 to be used, there tended to be a menu that the cities were
2 expected to pick and choose from to meet the required
3 goals of 25 and 50 percent.

4 The big question is how did the waste
5 generation study disposal numbers get so bad. That's the
6 first part of the equation we were working with. When the
7 consultants asked city staff, "Who collected solid waste
8 in your jurisdiction," they got the names of either the
9 franchised haulers or those businesses licensed to collect
10 solid waste in the jurisdiction. Many people were missed.
11 Estimates made for construction people, demolition,
12 gardeners, et cetera, were much, much too low. Pat
13 mentioned numbers of 50 percent. That's a very reasonable
14 number in many areas of L.A. County.

15 The existing permitted inert sites had not
16 yet been permitted so were never considered as part of
17 being disposal, and there wasn't a mechanism in place to
18 catch any errors. Most of the SRREs were finished before
19 the major contributors of disposal tonnage of the
20 County -- City of L.A. finished theirs. We couldn't add
21 them up. This wasn't -- all the numbers were not in
22 place.

23 Therefore, as Pat mentioned, it wasn't
24 until 1995 that we all knew the full extent of the
25 underreporting of L.A. County. It was off by

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1 approximately 5 million tons or almost 30 percent of the
2 total waste stream Countywide. It's a very big number.

3 Now, with the passage of 2494, we all know
4 the system changed from diversion-based to disposal-based
5 accounting. The districts were part of Eugene Sing's
6 working group that you worked to find the modifiers to
7 bring the base year up to '95. As I remember, Eugene
8 spent a lot of time going around the country or reading
9 reports around the country about modification factors.
10 What he came up with, there were only four in California
11 that were available, the four we're using -- population,
12 CPI, taxable receipts and employment.

13 Remember, the basic rationale behind 2494
14 was that it was inefficient and costly to keep doing
15 generation studies to show compliance, and that by using
16 the suggested method of adjusting the base year, cities
17 could get close enough to show they were complying with
18 the original intent of 939. These figures derived were
19 only to be a guide that when coupled with implementing
20 their SRREs would show compliance. AB 2494 looked as if
21 it would work within the limitations mentioned, but no one
22 at the time knew how bad the base year numbers were.

23 What about the current shifts in the
24 compliance measurements and what's causing the problem
25 with the biennial reviews? The jurisdictions began with

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1 the base year disposal tonnage figure, as I mentioned, was
2 grossly underestimated in most cases, 5 million tons for
3 the County or 30 percent. The jurisdictions then used
4 what I call the four expedient base year adjustment
5 factors to estimate what disposal tonnage could be for the
6 year in question. Remember, these factors were only gross
7 estimates.

8 Additionally, jurisdictions were told if
9 these four factors aren't available in your community, use
10 the countywide numbers. Now, with 88 diverse counties in
11 L.A. County, it is hard to believe that using countywide
12 estimates to represent specific jurisdiction events came
13 to anything but a very gross estimate of reality.

14 The biggest single problem with the DRS is
15 not the DRS itself, but the expedient factors used and the
16 decade-old disposal reporting numbers that we're all stuck
17 with. What good does it do us to measure disposal at
18 landfills to the nearest two decimal points with the
19 expectation of 100-percent perfection and accuracy if
20 you're going to compare to disposal tonnages derived using
21 rough estimates based on grossly underestimated tonnages
22 derived in 1990?

23 This doesn't mean the current DRS is
24 perfect or can't be improved. What it means is we should
25 address the biggest problems first. The Waste Board can

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1 do this first, by allowing jurisdictions to make common
2 sense adjustments to their base year tonnages without
3 making the jurisdictions or trying to play with the
4 numbers and get something for nothing; seconds, realize
5 that the tonnage figures and diversion numbers you are
6 seeing are only estimates and don't have decimal place
7 accuracy. There are simply too many estimates involved in
8 the process; third, realize that many factors that
9 jurisdictions have little or no control over affect both
10 disposal and diversion and that many times these factors
11 individually are simply off the screen for jurisdictions.

12 Now, given all that, how can we improve the
13 current DRS? What shouldn't we do to improve it? How
14 could we not disprove it? One, stop counting material
15 that goes to inert sites, permitted or not. It was never
16 figured in the original numbers. If we don't take them
17 out, we shouldn't use them now. The current system has
18 two potential sources of error. I said "potential."

19 First, the extrapolation of reported
20 tonnage amounts during a week-long survey has potential to
21 incorrectly allocate tonnage amounts, and the smaller the
22 jurisdiction, the larger the potential error. This can be
23 resolved by going to a system that determines a
24 jurisdiction of origin every day. This cannot, however,
25 be voluntary on the part of disposal sites. If some sites

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1 check every day and other extrapolate their figures, this
2 new system would be even more suspect. All reporting
3 sites must collect the same information at the same time
4 in the same manner.

5 The second source of potential error comes
6 when the disposal site is not providing the correct
7 jurisdiction of origin, and this is the responsibility of
8 the haulers. There are no penalties for providing
9 incorrect information, and if there were, disposal sites
10 could not realistically be expected to act in any
11 enforcement role. Also, disposal sites cannot be expected
12 to keep track of who is and who isn't allowed to collect
13 solid waste in a jurisdiction. All incoming loads must be
14 treated the same. The system must remain objective.

15 In an area with some jurisdictions,
16 haulers, and independent contractors as L.A. County,
17 jurisdiction of origin must take place at the time the
18 vehicle enters the facility. Disposal sites could not be
19 expected to try and reconcile load allocations with all
20 the solid waste collection company dispatchers every day,
21 week or month. If the load is coming from a refuse
22 hauling company, the driver, through the dispatcher,
23 certainly knows the jurisdiction of the origin for all
24 loads. It is the responsibility of the company delivering
25 the waste to disposal site to provide the correct

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1 information, and it is their responsibility to make sure
2 their driver knows the correct answer when the scale
3 operator asks, "Jurisdiction of origin."

4 Notice I didn't say city of origin. This
5 is because the most common potential problem of
6 misallocation comes from the confusion between cities in
7 unincorporated areas with the same name or zip code.
8 However, many people think this is a problem with self
9 haul or small haulers. This has not been my experience at
10 the districts. The largest of hauling companies can and
11 do make large mistakes in correctly allocating waste, and
12 there are a real problem to try to correct. Diligence and
13 care on the part of the transporter is required to reduce
14 this potential problem.

15 Any system put in place must be compatible
16 with other counties to either import or export waste to
17 each other. For example, nearly 660,000 tons of waste
18 were exported to L.A. County from Orange County during
19 1998. The idea of obtaining addresses for each load
20 that's generated is trying to micromanage the system in
21 the worst way. Cities in L.A. County already have the
22 information to check the origin of loads available to
23 them. We routinely provide information of who brought in
24 loads, how many loads were delivered; what they weighed;
25 the types of refuse delivered; the name, address, and

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1 phone number of the company; and if needed, we could
2 provide the license plate number of the vehicle and date
3 and time the load entered the site.

4 If disposal sites try to collect the actual
5 address of origin, it would not provide any additional
6 information of value and could significantly increase the
7 dead time haulers experience waiting in line at disposal
8 sites. For example, if each transaction at Puente Hills
9 took one additional minute to get the address of origin,
10 it would take an additional three and a half hours for the
11 site to go through the approximately 1,500 vehicles it
12 uses each day, and we have seven scales.

13 Modifying the existing DRS to have transfer
14 stations report directly to the County the same way
15 disposal sites do, this would more accurately show
16 jurisdictions how their waste is handled. They could then
17 in turn directly tell the transfer station about who
18 allocated waste to the jurisdictions. At the present
19 time, the Puente Hills landfill gets 20 to 40 percent of
20 its daily incoming tonnage through transfer station
21 trucks.

22 Finally, the law of diminishing returns
23 really applies to the DRS. We are spending more and more
24 time getting less and less valuable information if we try
25 to micromanage.

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1 Thank you.

2 CHAIRMAN EATON: Mr. Curanchio.

3 MR. CURANCHIO: Thank you, Mr. Chairman,
4 Members of the Board. Good morning. I want to thank the
5 Board for recognizing the significant issues being raised
6 relative to the DRS and allowing me the opportunity to
7 comment.

8 BOARD MEMBER PENNINGTON: Excuse me.
9 You'll need to get that microphone in front of you. The
10 people can't hear you in the back.

11 MR. CURANCHIO: In sharing the experience
12 of the City of San Ramon and those agencies that are on
13 the receiving end of this information relative to
14 disposal-based reporting, I would like to preface my
15 comments in agreeing to be a panelist today and sharing
16 some of these issues with you. I am in no way attempting
17 to compensate for some material failure on the part of our
18 city to implement its SRRE or achieve its disposal
19 mandates. The City of San Ramon is actually doing quite
20 well in that respect.

21 The City was one of the first two cities in
22 Contra Costa County to successfully complete its biennial
23 review, with the Board determining in 1998 that the City
24 had achieved a 40-percent diversion rate in '95, and that
25 somehow strangely dipped down to 37 percent in '96, but

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1 nonetheless was in compliance with the law.

2 Obviously we are implementing the programs
3 in our SRRE. Today, San Ramon continues to implement the
4 programs in the SRRE and (inaudible), as well as other
5 programs not contemplated in 1990, and we have diversion
6 rates for '97, '98 that range between 36 and 55 percent in
7 1997, and 40 and 57 percent in 1998. That range includes
8 new default data received from the Board last week that
9 factored in the special waste tonnages, and the higher end
10 diversion rates really indicate the result of different
11 approaches to try and resolve issues with disposal-based
12 reporting and the methodology.

13 I will note that the figures you're going
14 to see here in a minute I'm going to discuss don't include
15 the tonnages being allocated now in special waste. If I
16 included those, they basically further distinguish them
17 nominally and are self hauled generations.

18 Some other background you might find useful
19 about San Ramon, although we're located in Contra Costa
20 County, most of the City's waste is disposed of in Alameda
21 County. Our franchise waste is disposed of under contract
22 with the Basco Road (phonetic) Sanitary Landfill in
23 Alameda County, and anywhere from 86 to 95, 97 percent of
24 the City's self haul or non-franchised waste ends up in
25 Alameda County.

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1 Geez, why am I here if San Ramon is doing
2 fairly well under this system? Well, frankly, I think the
3 City is doing even better than the numbers indicate, but I
4 need to determine that with some degree of certainty, and
5 likewise if I'm wrong in that summation, I'd like to know
6 that with some degree of certainty before I make any
7 recommendations to my council for expanding or refining or
8 otherwise improving our integrated waste management
9 system, but right now the only thing I'm certain of is
10 that our numbers are whacky, that supporting documentation
11 is usually not available for disposal-based allocations,
12 and when it is available, a lot of it tends to be
13 misallocated.

14 This isn't the best chart to see, but
15 basically in 1990, the approved base year generation study
16 demonstrated just over 39,000 tons of disposal with only
17 183 tons being attributed to self haul waste. In 1995,
18 when we first started getting the first disposal-based
19 information in, we recognized very quickly that although
20 complete this information demonstrated, that we really
21 failed to quantify the amount of self hauled waste in the
22 base year.

23 Accordingly, we petitioned the Board for a
24 corrected base year generation amount. The Board
25 concurred, granted us about another 2,046 tons. This

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1 raised self haul tonnage to 2,229 tons and put our overall
2 disposal in 1990 over 41,169 tons.

3 Since that time we've been doing pretty
4 well. The City's overrule disposal has dropped by 5,000
5 tons in the last eight years, and its franchise disposal
6 has dropped by over 10,000 tons. These are straight
7 numbers. They haven't been adjusted using the adjustment
8 methodology, but they do appear consistent with the
9 results you would expect from implementing a variety of
10 reduction, recycling and public education programs.

11 However, these programs notwithstanding,
12 the City's non-franchised or self haul waste disposal as
13 reported by the DRS appears to be going through the roof
14 right now. Our original self haul figure, the 183 tons,
15 appears to have increased by almost 4,000 percent in the
16 last eight years, and the corrected self haul generation
17 figure, 2,029 tons, appears to have increased three-fold
18 in that time period.

19 You know, at first these numbers really
20 started to bug me and got me scratching my head, but then
21 I realized you know, that probably is just representing
22 the tremendous economic growth that San Ramon, like most
23 jurisdictions, experienced in the mid-'90s. Of course, I
24 also expected that that growth would be reflected in the
25 adjustment methodology. That would account for any

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1 increases in economic activity or the population and
2 reflect that accordingly on our diversion rates.

3 Here's the peculiar thing. When I applied
4 the adjustment methodology, that we all use in all doing
5 our annual reports, to the corrected self haul tonnage of
6 2,029 tons, the resulting projections are plotted on that
7 bottom line, the bottom green line on that chart. It
8 indicates that the projected growth is being outpaced by
9 what's being reported for self hauled waste through the
10 DRS by almost 300 percent. That's a real discrepancy --
11 and if I could have the next overhead please.

12 I know there's some kind of -- that kind of
13 statistic doesn't make that much a difference in your
14 bottom line. I thought I would share this with the Board.
15 Obviously we're not disputing any of the franchised waste.
16 We can verify that with our hauler, with the landfill, as
17 well as through the DRS, but look at the difference when
18 we use the DRS self haul tonnage compared to the tonnage
19 that was projected using the adjustment methodology.
20 Essentially in '96 we go from a 37-percent average
21 diversion rate to 41 percent. In '97 instead of 42
22 percent, we're up to 48 percent. And in 1998, instead of
23 being at 42 percent, again we're up at 50 percent. I
24 think these are significant issues.

25 To me the question really becomes a series

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1 of questions, not just how accurate is the Disposal
2 Reporting System. Of course that's important that the DRS
3 accurately measures self hauled disposal, but another
4 question becomes just the adjustment methodology, but
5 actually the measured growth in the economy and
6 population, or are there problems in both these systems.
7 I personally suspect the latter. I realize it's really
8 difficult to analyze both these issues at the same time,
9 something I've been trying to do in my annual reports the
10 last couple years. I've been asked to just speak on the
11 Disposal Reporting System today.

12 I think that's the way it should be. We
13 should start looking at the Disposal Reporting System
14 first. It should be the most easy to address. It should
15 be based on concrete, verifiable, local data, and if we
16 can identify and solve issues with that, then we can move
17 on to the less tangible issues associated with the
18 adjustment methodology.

19 Unfortunately, determining the accuracy of
20 the Disposal Reporting System is extremely difficult, and
21 I think even discussing the accuracy of allocation becomes
22 somewhat premature given that there isn't really a lot of
23 underlying data, and I'm talking about either hauler
24 identity and contact information or jurisdiction or
25 address of origin information coming with this. It's

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1 seldom reported to the jurisdictions. It doesn't appear
2 to be routinely reported to the counties or other
3 reporting agencies, and I'm told that this sort of contact
4 information for the haulers is seldom recorded or
5 maintained by the facility operator.

6 As a result, any discussion of the accuracy
7 of the Disposal Reporting System really must rely on
8 anecdotal evidence, and of course the first exhibit in
9 this evidence would have to be that the numbers are
10 whacky, but I've covered that. So let me just share a
11 couple of experiences in San Ramon that we're finding.

12 Contra Costa County, our host county, is
13 actually one of the few that compiles disposal information
14 through a quarterly survey we provided for in the
15 regulations, and it actually provides the effected
16 jurisdictions in the county with jurisdiction of origin
17 information that's provided by the haulers at one of the
18 transfer stations. During the survey week, we're allowed
19 to review and make adjustments to this data. In most
20 cases, the information is basically a street address,
21 sometimes a business name, and in many cases it's
22 misallocated to the City.

23 For example, in reviewing the origin survey
24 week data provided by the County for the third quarter of
25 '96, we discovered that 22 percent of the tonnage

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1 allocated to San Ramon during that week was misallocated
2 and actually should have gone to another jurisdiction. Of
3 the remaining tonnage, 78 percent was accounted for from
4 one load coming in. It turned out to be one of the City's
5 commercial recyclers who, on further discussions with this
6 individual, acknowledged that this was a load of
7 contaminated recyclables, a one-time disposal from his
8 part, but nonetheless, it was extrapolated over disposal
9 tonnage for the whole quarter.

10 In 1997, the error rate for tonnage
11 attributed to San Ramon during the four survey weeks
12 ranged anywhere from 7.7 percent in the third quarter to
13 76 percent in the first quarter, all the way up to a
14 whopping 86 percent misallocation in the third quarter.
15 That's over three quarters of the survey week tonnage
16 being misallocated, even though street addresses were
17 being provided by the haulers coming in.

18 Things improved in '98. Only 46 percent of
19 the waste tonnage in the third quarter was misallocated to
20 the City. I'm not sharing this information -- I want to
21 make this clear -- to make sure to shame or embarrass the
22 County. In fact, I appreciate Contra Costa County's
23 effort in providing this information. It's a lot more
24 detail than we get from the other six-plus counties that
25 send me disposal reports every quarter, and it allows me

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1 to at least get a handle on what's going on here and start
2 to verify the data.

3 In addition to just ensuring the proper
4 allocation of this material, it also provides at least the
5 opportunity to follow-up with the haulers or jurisdictions
6 of origin on that address and actually verify the
7 information that they're reporting. This becomes really
8 important if the address turns out to be a contractor or
9 business in San Ramon that might be doing work in another
10 jurisdiction. In San Ramon's case, I haven't really found
11 it to be cost-effective to pursue that strategy in Contra
12 Costa County because the waste we're talking about is
13 fairly minuscule. Contra Costa self haul tonnage accounts
14 for about 3.5 percent of the City's self hauled disposal
15 and less than 1 percent of its overall disposal.

16 But when I look at this, it supports my
17 contention about whacky numbers. The errors encountered
18 in the data coming from Contra Costa County, when you look
19 at the allocation of waste among jurisdictions, leads me
20 to be very skeptical about the accuracy of the information
21 I'm getting from other counties which do not provide these
22 addresses and are unable to provide the identity of
23 individual haulers or appropriate contact information.

24 Between 85 and 97 percent of the City's
25 non-franchised self hauled waste attributed annually to

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1 San Ramon is reported of being disposed of in Alameda
2 County. In Alameda County, this disposal information is
3 compiled on a daily basis. However, in submitting
4 disposal reports to the City, the agency responsible for
5 the reporting doesn't provide any origin information or
6 hauler information to us. Authority staff tell me
7 basically that's not provided by the operators.

8 However, the need for that data can be
9 illustrated by an incident that occurred in 1997 in which
10 by pure happenstance, I happened to contact an agency that
11 collects waste in Contra Costa and self hauls it to
12 Alameda County. Basically that waste was being collected
13 in three jurisdictions in Contra Costa County but reported
14 as coming from San Ramon. That was 1,500 tons a year
15 being attributed to the City. Subsequently, the volume
16 capacity of all the containers indicated that only 42
17 percent of that should have been accredited to the City.
18 That backed almost a thousand tons of waste from our
19 disposal system.

20 In light of these and other examples in
21 wrapping up and unless alternatives such as those being
22 suggested by Bill and Jim are made available to
23 jurisdictions, San Ramon's really looking at undertaking a
24 rather daunting and uninspiring task of attempting to
25 contact the haulers of all non-franchised solid waste and

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1 self hauled waste allocated to San Ramon and verifying the
2 accuracy of the information.

3 Based on the disposal reporting
4 regulations, (inaudible) including commercial and
5 residential self haulers, and these haulers are required
6 to maintain disposal reporting records for up to three
7 years. So all I'm asking for is the opportunity to
8 identify those haulers and contact them. I think we're
9 looking at allocation issues as well as actually the
10 accuracy of the information, whether it's coming from one
11 jurisdiction or multiple ones.

12 I would be the first one to admit that this
13 is not something I want to do, it's not something I'm
14 looking forward to. It places a tremendous burden on the
15 reporting agency as well as the facility operators. It
16 requires a lot of bean counting on my part and the part of
17 my colleagues, but unless something changes, unless we
18 sort of move away from the focus on just the numbers, I
19 really see no alternative but to pursue this type of
20 approach to verifying the accuracy of the data.

21 Thank you.

22 CHAIRMAN EATON: Ms. Goss, you made it.

23 MS. GOSS: Yes. Thank you. I'm Jan Goss
24 from the County of Orange.

25 I really wear two hats for the

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1 unincorporated area of the County, we act as their
2 municipality, and for the County we do run all the
3 landfills. We have three landfills. They're all run by
4 the County. We have about 14 percent self haul that comes
5 into our system, and that is actual numbers as of 1998.

6 But just to tell you a little bit about how
7 we operate our system, we do a daily survey and we do have
8 about 75 percent of our waste comes directly in transfer
9 trucks. We have one staff person who devotes her entire
10 time to the reporting. Between in-county waste and
11 imported waste, we send reports quarterly to about 150
12 jurisdictions, plus we do have a green waste ADC program
13 we report on that. We have salvagers under contract at
14 our landfills. We report that diversion.

15 So of our customer base, we have only about
16 10 percent of our waste comes in from non-franchised,
17 non-transfer haulers. Of the waste that comes into our
18 system from haulers, 95 percent of that waste, we get the
19 information directly from their dispatch or from their
20 accounting people to our people. We still ask at the
21 landfill for the independents who come in.

22 The five percent of independents that we're
23 trying to urge to cooperate with us either do not have the
24 equipment to do that or don't have the electronic systems
25 or have other reasons. However, we do have them under

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1 waste disposal agreements, flow control agreements. We're
2 working with our legal counsel to see if there's not a way
3 through the contracts that we can also insist that they
4 report the jurisdiction of origin directly to our people,
5 dispatched to our accounting people, and then at that
6 point in time we will be able to have our scale house ask
7 only the self haul people the origin of the waste.

8 Our definition of self haul in Orange
9 County is -- it may be somewhat different than what I read
10 on the sheet. What we include, we do not include the
11 independent haulers that are not franchised as self haul.
12 All of our professional haulers, whether independent or
13 under franchise, are under contract with us and they get a
14 contract rate.

15 What we refer to as self haul are those
16 individuals and companies who bring waste to the landfill
17 and to which waste hauling is not their primary business.
18 Of the 14 percent of the trash that comes in, it's about a
19 little over half a million tons annually. The majority of
20 that is brought in by commercial, very small amount from
21 individuals.

22 Of course there's opportunity for error and
23 there probably always will be. We work with the cities.
24 We work with the haulers, and what we provide to -- right
25 now, we do ask everyone who comes across our scales the

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1 origin of the waste. We record that, and on a quarterly
2 basis we provide printouts to each of our cities with the
3 names, all of the names that we have of those who self
4 haul and designate their city as the jurisdiction of
5 origin.

6 Many of our self haul customers have a
7 decal because they want to avoid a weigh back. When they
8 have a decal or deferred payment account with us, we have
9 their name, address and telephone number. On a quarterly
10 basis, we provide the direct computer printouts to all the
11 cities. They can follow-up with all of those companies to
12 do whatever they need to do to enforce their ordinances,
13 to enforce their city permits, to enforce their C&D
14 reporting permits. Whatever kind of city ordinance they
15 have, they can follow-up.

16 As a County, we do not feel it's our
17 responsibility to enforce the cities' franchise
18 agreements. Many of the cities do think that's our
19 responsibility, however, and we've had a lot of
20 discussions about that.

21 As you may be aware, we have a very active
22 local task force in Orange County. And because of the
23 issues -- reporting issues, base year issues, not meeting
24 50 percent issues -- our local task force formed a
25 committee called the Solid Waste Issues and Solutions

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1 Committee. They came up with eight recommended actions in
2 a report this August, and now we have an implementation
3 task force which is going through each one of these eight
4 recommendations to come up with solutions and make
5 recommendations on how we might handle them, and self haul
6 is right up at the top of the list.

7 Again, it's only 14 percent of our waste
8 across the board, but to those jurisdictions that are host
9 cities to the landfill, the burden falls on them because
10 many, many people may just say, "Hey, I'm in Brea. That's
11 where I'm from." We think there's lots of room for error
12 when you ask -- we don't, for instance, we don't have a
13 way of handling mixed loads on self haul.

14 If you asked someone where the waste was
15 generated, do they give you their office address, do they
16 give you the address where they picked it up, is it a
17 mixed load, do they give you the last place they stopped.
18 We really don't know and we have to rely on the report of
19 the person who's bringing the waste. One of -- so anyway,
20 we've been looking for solutions on how we can improve the
21 accuracy of our reporting and accuracy of obtaining the
22 information.

23 We -- our committee has come up with three
24 recommendations with respect to self haul, which we're
25 actively working on, and we'll be meeting next week again

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1 with our committee. One of the things we're working on is
2 what we call strict enforcement. We're working on a
3 procedure now which we hope to introduce maybe
4 mid-January, and we will be requiring anyone who comes to
5 our landfill, if they come as an individual, they have to
6 have proof that they are a resident of Orange County. If
7 they are a commercial operation, they will have to have a
8 business license for the city that they are designating as
9 the waste. Again -- and many of our cities do not require
10 business licenses. They will have to have some kind of
11 manifest, some kind of proof that they picked up the load
12 in that city.

13 We are working with our haulers. As a
14 matter of fact, next week we're going to have a meeting
15 with our haulers and show them these procedures because as
16 Bill said, this is going to hold up the line. We hope
17 that we will be able to decal some of these people if they
18 regularly work in one jurisdiction. But anyway, this is
19 something that we feel we need to do, especially for the
20 City of Brea. They feel that we have a lot of non-county
21 people because they're so close to the L.A. County and
22 Riverside County line, that there are people coming,
23 non-Orange County, bringing in waste directly.

24 The other thing we're looking into that our
25 committee has approved in concept is adding an AB 939

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1 recycling fee for all self hauled waste. Now, that is
2 based on the assumption that this waste doesn't go through
3 any presorting or processing, that this is waste that's
4 brought directly to the landfill, and that the burden of
5 recycling and processing is falling on others and they're
6 taking advantage of it.

7 What we're looking at is a sizable
8 increase, and in order to determine how we could -- the
9 purpose of this fee would be to divert this material from
10 the landfills. So our committee held a public hearing,
11 actually called a public meeting because they're only an
12 advisory group, and we sent out notices in all of our
13 billing. We sent notices to all of the Chambers of
14 Commerce in Orange County. We specifically called all of
15 the people in the associations, the green waste, the
16 landscapers, any associations we knew -- the C&D, the
17 builders, the contractors. We said come and tell us why
18 you bring waste to the landfill, why you don't divert the
19 waste, and what we can do to encourage you and what kind
20 of facilities, or just tell us your side of the story.

21 We had three major areas where we got
22 input, which was very interesting to us. We had two areas
23 where we got no information. We had no landscapers. We
24 had no roofers. So we are now going to send out a survey.
25 We have lists we will go through and probably take the

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1 City of Brea's printout since they have quite a few
2 roofers listed, and we will survey them and see what kind
3 of response we can get.

4 But the very interesting thing about those
5 who self haul who came and talked to us about it. The C&D
6 people came, and there were several speakers who said if
7 we bring you 500 tons at the landfill, we're diverting
8 1,500. We just are not reporting it. You don't ask us to
9 report it. Cities should have ordinances. They should
10 have them in their demo permits. If anyone pulls a demo
11 permit, you should have it in there that we have to report
12 or you won't give us a final on the project. We have the
13 information. We have scavengers who come in, they take
14 this stuff away. It is all recycled. It's not reported.
15 We thought that was very interesting.

16 Our local task force is made up primarily
17 of elected officials. We have a couple of public members.
18 The elected officials thought that was interesting that
19 most of them did not have any kind of reporting. The C&D
20 people told us the only one who ever asked us for any
21 information is the City of Newport Beach, and if everybody
22 asked us what Newport Beach asked us, we probably would
23 have to raise our rates, which we thought was rather
24 interesting.

25 Again Newport Beach is the only city that

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1 follows up on our quarterly printouts and calls these
2 people. If they say they're bringing waste from Newport
3 Beach, they had better have a permit. The waste people
4 send them right over to the permit office, and these
5 people are reminded that hey, you have to annually update
6 your permit. So Newport is on the beam with that.

7 The other group of people that we had come
8 and give us testimony were the non-profit organizations.
9 The Salvation Army, Goodwill Industries, and Goodwill
10 Industries came and they said we already recycle more than
11 50 percent of what we bring to you with probably closer to
12 75 or 80 percent. We don't bring you anything that isn't
13 strictly junk. We said well, do you have records? They
14 said, of course we have records. We have a central
15 computer system in Santa Ana. We have a building over
16 there, we recycle electronics and computers. We rebuild
17 them. Why didn't you come and see us? We take
18 information from every city in the County. We know
19 exactly where it comes from. So we have a date with
20 Goodwill Industries and our committee.

21 Anyway, these people came and talked to us
22 about that, then the haulers got up and said you have to
23 keep these people out of the landfill. You should totally
24 close off self haul. That's not something that is
25 politically feasible in Orange County, so we're trying to

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1 do other things. We're trying to do what we can to divert
2 them, but I think it's very unlikely that our landfills
3 would be closed to the public. One of our landfills is
4 already closed to individuals. We only take business
5 customers at one landfill.

6 So we are going to compile this information
7 that we're getting and also from the survey, and then
8 we're going to determine if, in fact, the committee is
9 going to be ready. This is a subcommittee of the local
10 task force and they'll be making -- my subcommittee will
11 then be making a recommendation to the task force, and the
12 task force -- then the local task force would make
13 whatever recommendation, if there will be a rate increase,
14 to recommend that to the Orange County Board of
15 Supervisors.

16 So we intend to do a lot of educational
17 outreach. We intend to try to do what we've done with the
18 non-profits. We are, by the way, very proud of our
19 haulers. They got up and said, we don't want to penalize
20 the Goodwill Industries and the Salvation Army. So if you
21 work up some kind of fee for self haul, will you figure
22 out a way to exempt these people, and we are doing that.
23 Any kind of -- so we would work into that process an
24 exemption procedure so that if a company or an individual
25 wants to provide a waste audit, or allow us to do a waste

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1 audit, and can identify for the record that they already
2 recycle 50 percent or more of their waste, then we'll
3 build in a mechanism to exempt them from an increased fee.

4 With respect to the future, what we would
5 like to see in our system in the future is to have bar
6 codes, total electronic billing, and only ask those self
7 haul for data, and that to have all of our professional
8 waste haulers communicate directly, either electronically
9 from their dispatch office to our staff, to minimize as
10 much as possible any reporting errors.

11 CHAIRMAN EATON: Thank you.

12 Mr. White.

13 MR. WHITE: Thank you, Mr. Chairman and
14 Members of the Board. Chuck White with Waste Management.
15 I'm a poor substitute this morning. I had hoped to have a
16 couple of my folks from the individual facilities to be
17 able to speak to these issues. Unfortunately, business
18 has to be taken care of and they just couldn't make it,
19 so here I am, substituting for them.

20 CHAIRMAN EATON: You sound like Mr. Jones.

21 MR. WHITE: I did survey a number of our
22 operations to get some input, particularly on this area of
23 self hauling. It seemed to be the one that drew the most
24 attention from our folks in the field, and I do have a
25 number of examples that I would like to share with you as

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1 to kind of our reaction to this whole problem of self
2 haul.

3 The first that I'm passing around to -- in
4 fact, I've got some for the panel. I'm sorry I don't have
5 enough for everybody in the audience, but it's some of the
6 stuff that we use at the Davis Street station in the East
7 Bay in San Leandro. Now, Davis Street, as you're probably
8 well aware, handles solid waste from much of the East Bay
9 in the city of San Leandro.

10 Only about 15 percent of the total tonnage
11 that comes to Davis Street is self haul. The vast
12 majority is franchise, which we have a very good
13 understanding and control over, but of course San Leandro
14 is a very small city, so if there's a relatively minor
15 error in the percentage of self haul and it ends up in the
16 city of San Leandro, they get very excited.

17 As a good partner with City of San Leandro,
18 we're doing everything we can to try to identify how much
19 waste is -- make sure it's clearly identified what the
20 proper jurisdiction is. In the information I passed
21 around to you shows that we basically try to notify all
22 our customers to indicate to them that to accurately
23 describe where the material comes from, we also have
24 frequent tail gate meetings with our scale house folks to
25 try to encourage them to ask the right questions, and we

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1 do this on a regular, ongoing basis.

2 Then we do have signage all over, and there
3 are several pages with all the different signage which is
4 in English. We are looking at expanding the signage to
5 Spanish, but if you're familiar with the East Bay, it's a
6 very diverse community, so how far do you go in having a
7 forest of signs up for the different folks that would be
8 coming.

9 The primary issue that we seem to have
10 identified at Davis Street is the fear of additional fees,
11 which is ironic at Davis Street because there is
12 absolutely no additional fees. The fees are exactly the
13 same, but no one believes that. They come to the gate and
14 they believe that if they don't say they're from city of
15 San Leandro, they're going to be charged some surcharge
16 fee from coming outside, and we have done everything we
17 can to try to those folks it is one fee for all in the
18 East Bay, in fact, at Davis Street throughout northern
19 California the same fee. So we're working real hard, but
20 it's still a problem.

21 It's really a struggle as a facility
22 operator because we're not the ones that really have the
23 knowledge of the waste. It's the hauler, and how do we
24 get that information on an accurate basis because of your
25 two different folks in the transaction and it's very, very

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1 difficult given some of these barriers that exist.

2 At another transfer station in Los Angeles,
3 we have a different kind of problem. It's basically the
4 majority of the waste coming to the facility is from other
5 haulers, not Waste Management. There are differential
6 fees involved. There is also always a fear of penalties.

7 There's a lack of knowledge of where the
8 jurisdictions -- this one transfer station handles waste
9 from 45 jurisdictions, does collect information on a daily
10 basis as best it can, and reports weekly to the various
11 jurisdictions, the 45 jurisdictions where the waste comes
12 from, to the best of our knowledge.

13 The question is what more can you do and at
14 what cost. What's the point of diminishing returns to go
15 ever after that last accurate tonnage, and the issue that
16 was brought up by Jim earlier is if you're comparing it to
17 some other inaccurate information, getting the greater
18 degree of accuracy in your target year, your actual year
19 you're working on, there may be a validity to go forward
20 and do that, but it's got to make sure it makes rational
21 sense that you're actually comparing with equally valid
22 data, for example, from your base year.

23 At Simi Valley, we do collect daily data,
24 we have not only been reporting it primarily on the weekly
25 per quarter, and we get into some real problems. Again,

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1 the point of diminishing returns, that really the advice
2 from our facility manager there is if you're going to go
3 to a more frequent, you've got to make that all the
4 landfills, all the transfer stations, all the MRFs are
5 doing it on exactly the same frequent basis, it can't be
6 just within Ventura County, it's got to be over the other
7 counties that also feed waste into the Simi Valley
8 facility. And how can Ventura County impose those kinds
9 of reporting conditions on other out-of-county facilities?
10 And so it really gets into these difficult problems and
11 again, fine, you can just do that and you probably would
12 get more data the more frequent you do the survey, but at
13 what cost and really does it make sense in terms of the
14 overall equation that you're comparing apples to oranges.

15 I would like to read, if I could --
16 Mr. Kiesler, he's our facility manager, and his basic
17 comment, which I think is right on, is there will forever
18 be a quality of data problem as long as we depend on
19 drivers for origin information. I do not see any simple
20 way to resolve or improve the quality. Ventura County
21 came out on the past on a couple of occasions and asked
22 the drivers to show them on a map where the waste came
23 from. This approach caused huge lines and delays at the
24 scale and still had many of the same problems that are
25 outlined in the Waste Board's panel statement that you

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1 distributed.

2 The County has also originally expressed
3 the opinion that our scale house person should be asking
4 appropriate questions like origin, like if a driver says
5 the waste is from Valencia, then we should be asking if
6 it's from Santa Clarita, which is the city in which
7 Valencia is located, or from Stevenson Ranch, which is in
8 the unincorporated part of the County, or just the
9 unincorporated County. He says, I do not believe it's
10 realistic or reasonable to ever be able to get that much
11 clarification from a driver or expect scale personnel to
12 know all the cities, neighborhoods, et cetera, to be able
13 to ask these kinds of probing questions, and if you were,
14 you would basically be putting a huge burden on your
15 facility and backing up the waste at the scale house, and
16 there's other contingent environmental quality problems,
17 trucks idling forever, backing up. Do you really want to
18 go there?

19 And in conclusion, it's basically the same
20 that we reach at our Bradley landfill where we are very
21 concerned about what the consequences would be of doing
22 the more daily recording of data and backing up truck
23 traffic and creating a burden on the facility operator, in
24 this case Bradley landfill, when the real issue is how do
25 you get accurate information from the collection -- the

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1 collector that is collecting the trash and bringing it to
2 that facility. If you're going to go to this additional
3 level of accuracy, first of all you've got to make a
4 decision. Is that level of accuracy warranted and is it
5 really useful? Are you really comparing accurate data
6 with other inaccurate data. If you find that you are, the
7 accuracy is warranted, then you still have to deal with at
8 what cost are you going to go forward and what burden, who
9 has to bear that burden, is it reasonable to put
10 increasing burden on your transfer stations, your MRFs and
11 your landfills when the accuracy problem is derived
12 primarily from the hauler.

13 Thank you very much.

14 CHAIRMAN EATON: Thank you, Mr. White.
15 Mr. Leary.

16 MR. LEARY: It's now the Board's options to
17 ask questions.

18 CHAIRMAN EATON: Anything from the
19 panelists before we begin public comment or ask for public
20 comment?

21 BOARD MEMBER PENNINGTON: I don't have any
22 questions. I would like to thank the panel, and there's a
23 lot of good and useful information that we gleaned from
24 this. Thank you for being here.

25 CHAIRMAN EATON: Mr. Jones.

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1 BOARD MEMBER JONES: Thanks, Mr. Chairman.
2 I also want to thank everybody for showing up. I asked
3 people at a SCAG meeting to show up because they were all
4 upset about the Disposal Reporting System, but I think one
5 thing that's evident through this, we've gone through the
6 biennial reviews. There's still 50 or 60 cities redoing
7 the numbers. And I think it's pretty clear that this
8 Board has been looking not just at the number, but using
9 the number as an indicator in looking at the programs to
10 support those numbers out of a fairness issue to all the
11 jurisdictions.

12 But in testimony that we've gotten in the
13 last couple of months, we've seen things like inherent to
14 southern California, where a strip of land maybe three
15 miles wide connects the harbor to the City of Los Angeles.
16 Whose waste is that? Is that the City of Los Angeles's
17 waste or is it the cities that happen to but the up
18 against it?

19 I'm the industry seat on the Board, and
20 I've told my industry what makes me nervous is those
21 jurisdictions that have guaranteed or have asked for a
22 guarantee from the hauler to meet the 50-percent mandate
23 and they have interlinking jurisdictions where they could
24 actually only make a mistake and assign it to one that
25 doesn't have that requirement on it, and that's critical.

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1 I mean, if in any of these counties -- and I don't want to
2 solicit one.

3 Let's say we have a County that disposes of
4 3 million tons a year and the factor of mistake is 3
5 percent, that's 150,000 tons. If it goes to two cities
6 that are normally generating 30,000 tons a year, 150,000
7 tons a year is devastating to that area. And then when
8 they come in front of us and want to talk to us about how
9 their programs have been successful and we look at an
10 indicator where we're hard pressed unless you want us to
11 go out and do audits of all the programs, which I think
12 that's even worse. I think that's another step we don't
13 want to have to get into, but it kind of begs the question
14 what's the cost, what's the level of appropriate effort to
15 get something close.

16 I think that landfill operators, transfer
17 station operators, haulers have a tremendous
18 responsibility. Believe me. A dispatcher -- there's
19 plenty of you out here that run companies -- knows when a
20 truck leaves the route that if he's got three loads that
21 are going to go to a Material Recovery Facility during the
22 day, there is portion of that load -- 60 percent, City A;
23 40 percent, City B. This doesn't have to be brain
24 surgery.

25 It needs to be something that is close

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1 enough where people have an indication that 60 percent of
2 that load is from City A and City B, and it will work out
3 in the wash, and that's something that can be done, I
4 think, by the dispatchers and delivered to the driver on a
5 slip of paper. I don't know that for a fact, but I know I
6 had to do it in a couple of jurisdictions where we had
7 multiple rates because of fees that weren't collected,
8 and it wasn't all that burdensome to figure that out.

9 I think that we need to hear from folks as
10 to where they see the real problem. We want to try to do
11 this as fairly as possible, but we need the indicators
12 that make sense. If we're through all the biennial
13 reviews, we should have what we consider to be pretty
14 realistic numbers at this point. We know some of them
15 probably are still skewed, but they're closer than they
16 were quite a few years ago. So I think that this is a
17 good time for everybody's input on that.

18 I just want to clear up one other thing.
19 Somebody asked me on the way up -- because of our ex
20 partes, for those of you who aren't normally in this
21 audience and know how we operate, the question was asked
22 did you get a letter from our city Mayor, because we
23 didn't disclose it in that first ex parte. As we get them
24 in, we log them on a computer and send out a letter or
25 whatever. It's those letters that we get at the last

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1 minute as we're walking to this meeting to let everybody
2 know what we've received because you always have the
3 opportunity to look at our ex parte list to see whose
4 talking to us. So don't be nervous if you didn't hear us
5 list your city's letter. We got it. We may have gotten
6 it a month ago or a week ago or five days ago. We got
7 them all. Believe me.

8 CHAIRMAN EATON: Ms. Moulton-Patterson.

9 BOARD MEMBER MOULTON-PATTERSON: Just as I
10 said in the beginning, this has really been informative to
11 me and I'm really happy that you took the time and know
12 the amount of resources that you are committing to this.

13 Thank you.

14 CHAIRMAN EATON: Senator Roberti.

15 BOARD MEMBER ROBERTI: Just briefly,
16 Mr. Chairman. I want to join with the other Members in
17 appreciation to our panelists, as well as the people that
18 came in the audience, to share with us their thoughts.

19 When I joined the Board, I soon found out
20 this is the most complex, convoluted system of mathematics
21 that's ever been concocted. So to the extent you're
22 trying to make sense of it, tell us what the problems are
23 and try to bring some rationality into the system, it's
24 very much appreciated.

25 CHAIRMAN EATON: I'll echo those

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1 sentiments, but in consideration of brevity, any
2 individuals who would like to speak on the self haul
3 issue, if you'll come up right now and at least make a
4 comment. If not, we will take a short break for the court
5 reporter and the others.

6 Mr. George.

7 MR. GEORGE: One additional comment, if I
8 could. Several times I heard people use the expression
9 easy identifiable jurisdiction of origin as if a refuse
10 hauling truck, you could look at the truck and tell where
11 it came from.

12 As I mentioned, this is the monthly report
13 for Puente Hills and this will give you a couple of
14 examples. Serve-Well Disposal serves 39 jurisdictions in
15 L.A. County, 39 different jurisdictions. One of them is
16 over 50, 23 for Athens Disposal. They have 47 for a
17 different name for Athens Disposal, doing business as
18 someone else. Consolidated, 33. And so it's impossible
19 to tell jurisdiction of origin by looking at the truck.

20 When drivers see -- 1,500 drivers or weigh
21 masters see 1,500 drivers a day, they're not going to
22 remember who the driver is, and hopefully they don't have
23 any kind of relation with the driver.

24 (Laughter)

25 MR. GEORGE: So this is a very difficult

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1 problem. You have to ask the same question of everybody.
2 This system has to be as simple as possible at the scale
3 because we have a driver and a scale operator transferring
4 this information, and it has to be consistent, objective,
5 and simple to pass. We do have some hauling companies
6 that's give the driver a piece of paper to read, even if
7 it's only one jurisdiction, because they want to make sure
8 that the jurisdiction is handled properly. And that's
9 fine. The objection we have is if we go past that level
10 of detail and start to get street addresses.

11 CHAIRMAN EATON: We have some public
12 comment.

13 BOARD MEMBER JONES: Mr. Chairman, can I
14 just ask Mr. George a question?

15 CHAIRMAN EATON: Sure.

16 BOARD MEMBER JONES: If you got a slip of
17 paper from Athens that said that front-loader had 60
18 percent -- I don't know who they haul -- Covina, and 40
19 percent West Covina, that does not --

20 MR. GEORGE: That's not a problem. I think
21 we can do 10 jurisdictions on our computer.

22 BOARD MEMBER JONES: That's all.

23 MR. GEORGE: We check our loads every day.

24 BOARD MEMBER JONES: Right.

25 MR. GEORGE: Every truck that comes into

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1 the site every day must give a jurisdiction or origin. We
2 only report the week, the quarterly disposal checking
3 week, to be consistent with everyone else in the county,
4 but we can break it down to 10 different jurisdictions.

5 BOARD MEMBER JONES: I'm sorry.

6 CHAIRMAN EATON: If you wouldn't mind
7 stating your name for the record.

8 MR. AARON: My name is Curtis Aaron. I'm
9 the Public Services Director for the City of Fontana.

10 I just want to echo some of the same
11 sentiments this panel has brought up. A few weeks ago, we
12 came up here and had our biennial review and it was
13 approved by the Board, but we face some of the very same
14 problems they're talking about.

15 As you can see, we have a map here of the
16 city of Fontana and shows in the white year a large
17 unincorporated area. The same problems happen at our
18 landfills. People come in there, "We're from the city of
19 Fontana," but they're actually from an unincorporated
20 area. It's very difficult. And again, I think one of the
21 words I heard used was "tedious" to try and account for
22 that waste. And we've gone to great lengths to do that.

23 However, I don't know if that's the most
24 efficient way for our government or even the county
25 governments to work. There needs to be some way thought

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1 of to make this more efficient for all our agencies
2 because I think we all want to meet the AB 939
3 requirements. I think for the most part agencies are
4 putting their best feet forward on this. I just want to
5 put that on the record. We're going to do our best to try
6 to achieve those goals.

7 CHAIRMAN EATON: Thank you. And thank you
8 for coming up today.

9 MR. MOHAJER: Mr. Chair, Members of the
10 Board, my name is Mike Mohajer, Los Angeles County
11 Department of Public Works, and I represent the County of
12 Los Angeles. I do have comments on all four panels today.
13 I will be speaking on panel four, and I do want to reserve
14 the right to come back to discuss a number of points with
15 all previous panels, which would be panel one, two and
16 three. I will just hold my comments until later on this
17 afternoon.

18 CHAIRMAN EATON: Just for general
19 information, we will set aside almost an hour's worth of
20 time for audience testimony and discussion kinds of recap.
21 So during that time, hopefully you will not use all that
22 time, Mr. Mohajer.

23 (Laughter)

24 MR. MOHAJER: Hopefully I will not.

25 CHAIRMAN EATON: Just like any good

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1 landfill, if there's space there, we'll want to fill it
2 up.

3 (Laughter)

4 CHAIRMAN EATON: Also want to divert some
5 of it to our fellow communities.

6 MR. MOHAJER: I also want to let you know
7 that I do have comments that I would like to discuss later
8 on.

9 Thank you.

10 CHAIRMAN EATON: Thank you.

11 MS. WHITTLESEY: Good morning. I'm Mary
12 Whittlesey from San Luis Obispo County. I think some of
13 the Board Members may have come down to our county about a
14 month ago.

15 CHAIRMAN EATON: We had a wonderful time,
16 and thank you for your hospitality.

17 MS. WHITTLESEY: You're welcome. I'm glad
18 you came.

19 I need to reiterate some of the things that
20 your panel has already told you. City limits,
21 unincorporated County limits are meaningless. The general
22 public doesn't know that I work for the County and that
23 there's a difference between the County and the City. I'm
24 San Luis Obispo County. They call me for city questions.
25 They want to know all kinds of things, and I'm sure those

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1 of us in government are well aware of those issues.

2 When you boil it down, how can you track
3 waste by that finite a measure? It can't be done with a
4 level of accuracy that you're expecting from us right now.
5 People don't know what the jurisdictions are, but then
6 again, people do know about AB 939. They do know there's
7 penalties involved, and they are willing to tell us
8 information that perhaps isn't 100 percent accurate
9 because of that. They would rather their neighbor get
10 dinged for this waste that they're bringing in than them.
11 Whoa. Not going to happen. Anyway, so those are some of
12 our issues.

13 Also, I appreciate the fact that our
14 accuracy of our base year numbers, 1990, we were not in
15 what could be called a boom in construction as we are now.
16 We had some real skewed numbers from a drought. So the
17 accuracy of that information is definitely suspect and
18 we've got to be measuring apples to oranges -- apples to
19 apples.

20 The other thing is I'm it for the County of
21 San Luis Obispo in solid waste. How many resources do you
22 think I have where can I be at which gate house to ask
23 which questions and monitor which loads or track down
24 which loads. It doesn't happen that way. I need to work
25 on programs. I don't need to work on where did that

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1 10,000 pounds come from.

2 Thank you, and those are some of my
3 thoughts for this session. Like Mr. Mohajer, I'll be
4 back.

5 CHAIRMAN EATON: Thank you.

6 MR. ALT: Good morning. Dave Alt from
7 southern California. Just a couple of quick thoughts,
8 Mr. Chairman and Board Members. I enjoyed listening to
9 the panelists this morning, but a couple of points I think
10 we need to differentiate.

11 With self haul, we have the issue of
12 reporting, but I don't want that to get convoluted with
13 the concern of self haul with compliance of AB 939 and
14 diversion. I think they're almost two different
15 discussion points.

16 With the reporting, I think you should hold
17 the bar as high as you can get it, and I'm speaking on
18 behalf of a hauler that's reporting for 79 jurisdictions
19 in California. I think with the technology we have, you
20 should hold their feet to the fire. The County should do
21 the same thing. I also am opposed to the weekly reporting
22 within a quarter. It's going to have great distortions.
23 Until you get to reporting on a daily basis, you will
24 always have that distortion. Landfills have no problem
25 billing us daily. I think they should be able to report

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1 the daily tonnage also.

2 (Laughter)

3 MR. ALT: The bigger issue in my opinion is
4 not the reporting but the trend in self haul. We work in
5 a very good system in Orange County with the County, and
6 it's kind of a close system. We've noticed as increase in
7 self haul from approximately 3 percent when we did our
8 initial characterizations, to approaching 20 percent. Jan
9 talked about 16, 17 percent in 1998. The trend is going
10 up. 1999, we're probably pushing pretty close to 20
11 percent.

12 The reason for this is not that we really
13 missed the self haulers ten years ago. We created an
14 expensive trash system, and what we've then asked the
15 haulers and franchise haulers to do is to process material
16 to reach the diversion levels. We are required by our
17 cities to do that. So outside of the scope of the cities,
18 county, or hauler, you've created a subhauling culture
19 here now, who simply -- businesses ten years ago, it made
20 no sense to haul directly to the landfill. They're now
21 doing it. So I think if we're going to be successful with
22 AB 939 and the diversion, because I think we may be
23 hitting some of these issues before some other areas in
24 the state have hit them because we've closed our system,
25 you're going to find with 20 percent self haul or 25

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1 percent self haul, the remaining material cannot be
2 processed efficiently enough to get to 50 percent. I
3 think you have a reporting concern, but also have a self
4 haul concern.

5 That's why I want to really positively
6 address Jan Goss and the County's concerns, the SWIS
7 committee, because they've addressed these issues and
8 they're looking at different ways to economically
9 disincentivize people to go directly to the landfill.
10 Without those questions, you're not going to get the
11 answers on the diversion numbers.

12 Thank you.

13 CHAIRMAN EATON: Thank you.

14 BOARD MEMBER JONES: Mr. Chairman.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: Mr. Alt brings up a
17 good point. When we were at Orange County -- the Chairman
18 and myself and Mr. Chandler -- that's a concern that this
19 Board I think has to be very -- I've said it before. It's
20 when we don't go through the system, don't go through the
21 infrastructure and we go around it, which is I think what
22 he's talking about because of the cost of going through
23 MRF. That burden of those citizens that get picked up at
24 the curb every day or those businesses that do go through
25 the Material Recovery Facility or those recycling

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1 facilities, as more and more waste goes away, those costs
2 are going to go up because they have gone around an
3 infrastructure.

4 And at the same time, when cities say we're
5 doing a good job in doing our programs and if the self
6 haul rate gets up to 50 percent, then they're not going to
7 be able to meet the AB 939 goals. Their customers are
8 going to be paying a higher fee for those that do, and the
9 ones that go around the system are going to put a
10 jurisdiction in jeopardy of not meeting the 50 percent,
11 not meeting the mandate, and getting an advantage in rate
12 that every other citizen in that city is not privy to. So
13 I think that's a critical point in what we are talking
14 about here.

15 MS. HUBBARD: Hi. My name is Stacy
16 Hubbard. I'm with Riverside County Waste Management
17 Department.

18 Self haul is a very complicated issue. We
19 run our system pretty similar to how Orange County runs
20 their system, and I had a question for Jan. She mentioned
21 in her presentation that -- we call it the permit police.
22 We tell our cities we're not the permit police for any
23 businesses that report your city as the origin of their
24 waste, and it's up to the city to contact that hauler and
25 find out where they actually did work and where the waste

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1 came from.

2 But you mentioned in your -- that your
3 committee and your task force was looking into
4 recommending that they have proof of a business license or
5 some authorization to work in that city. I know in
6 Riverside County we have some cities who do require
7 permits or business licenses, and some cities that don't.
8 And that's why we chose not to initiate anything like
9 that, and I just wondered what your perspective is on that
10 and how do you think that will work.

11 We envision that it would take a lot more
12 time to question the haulers, and we get long lines and
13 back up and things like that.

14 MS. GOSS: We realize that probably will
15 be, at least initially, and this is something we're going
16 to try because the cities have aversions to it and have
17 been so concerned about it and complained to our board
18 members. And our SWIS committee is mostly made up of city
19 people, and they think it's a good idea. So while we will
20 not go after the professional haulers that are violating
21 the franchises and that sort of thing, we do have one
22 landfill where they have to have a business license to get
23 in already. And so we're going to try it. We don't know.

24 We've already been told that people will
25 get around it. They'll find a way, it won't be a hundred

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1 percent, but we're going to give it a shot. Haulers have
2 to understand that there will be lines.

3 MS. HUBBARD: That was our feeling, that --
4 it was mentioned earlier that some people think you have a
5 different rate if you say you're from this city versus
6 this city, and we've tried to make it clear that just does
7 not happen. We have signs. We've handed out flyers in
8 English and Spanish at our landfills. We've done all
9 kinds of things.

10 But we were just wondering how it would
11 work at the landfill, what kind of proof do they have to
12 have. You mentioned proof of Orange County residency.
13 We've looked at things like that and seen problems with
14 addresses. Maybe the driver's license has one address,
15 but that's not where the waste came from. That's where
16 they worked or --

17 MS. GOSS: We recognize that, and we'll let
18 you know. We're going to try to implement this starting
19 the middle of January, so we'll let you know how it works.

20 MS. HUBBARD: Have you addressed illegal
21 dumping? We were concerned that, say, a couple cities are
22 requiring business permits, but then there are a few that
23 don't. They get wind of the cities that don't or they say
24 oh, you're not going to let us dump here and it ends up on
25 the road somewhere outside the landfill.

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1 MS. GOSS: We hold the individual cities
2 responsible for cleaning up any illegal dumping that
3 happens within their jurisdictions, so we'll see.

4 MS. HUBBARD: Okay. Thank you.

5 CHAIRMAN EATON: Thank you.

6 MR. BALLIET: Good morning. I'm Mike
7 Balliet from the City of Mission Viejo. I apologize for
8 the casual attire, but I'm not representing any cities
9 today. I'm just an individual.

10 The self haul issue, it's very difficult to
11 separate that from the whole disposal reporting system
12 problem, as I'm sure you're all aware. I believe that
13 cooperative effort is needed between jurisdictions,
14 facility operators, the County is a big one as far as the
15 facility operator, but I think the role of the local
16 enforcement agency needs to be adjusted in this situation.

17 And an old saying I believe is a very true
18 one, insanity is repeating the same thing, expecting
19 different results. We're facing that in the County of Los
20 Angeles. I did want to thank Jan Goss for her
21 presentation. I'm biased. I live in Orange County. I
22 think they're doing a bang-up job and they're looking for
23 solutions. I don't see it as a micromanagement problem, I
24 see it as a data management problem.

25 Let's face it. We have tremendous

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1 technology, all the way to global positioning satellites
2 that could tell you exactly what house the trash truck is
3 at. I'm not suggesting that level, but what I am
4 suggesting, and this may be unpopular with some in the
5 hauling community, is that haulers provide route sheets
6 per vehicle. We get this in some cities. Now, I know the
7 argument. If somebody knows where my route is, they'll
8 take my route. First of all we're not asking for
9 financial information, we're asking for address.

10 Now, I can go out and drive my truck down
11 the street and see who's picking up TRW, see who's picking
12 up the big businesses. I don't care really who's picking
13 up the mom-and-pops. So is it really proprietary
14 information? In this case, I think not.

15 I think this information is best collected
16 by the municipalities. It's not the County's job at the
17 landfill to question each and every scrap, where did this
18 come from. I think cities, in their current permitting,
19 perhaps with some additional funding from a slight
20 increase at the landfill tipping fees could pay for this.
21 With that information in place, same thing for self haul,
22 construction and demolition jobs, when they pull a permit
23 from the city, they have to report the address. It could
24 all go into a system. The landfill operators, material
25 recovery facilities, transfer stations, transformation

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1 facilities -- same system, same data base, same software.

2 The end result, it would take some money
3 and time to get there, but the end result would be a much
4 cleaner, efficient, and time saving operation at the
5 landfill. If could you simply slide across a bar code
6 where this information would be fed down to, it would
7 speed up the lines. Drive across the scale after the bar
8 code, the information is in.

9 Again, your Local Enforcement Agency would
10 then be the auditing agency for that because even though
11 it's not the case 99 percent of the time, let's face it.
12 The County and the cities are both under the same
13 requirement to reduce waste.

14 Counties are responsible for unincorporated
15 areas. There's a conflict there. It may not be a major
16 conflict, but it is a perceived conflict. Already we have
17 problems with cities and counties working together.
18 That's as old as the hills, and I don't think it's going
19 to go away. So again, my suggestion would be not only for
20 the self haul issue, but for the entire Disposal Reporting
21 System.

22 Let's see an increase in authority either
23 by the Board or the Local Enforcement Agency to kind of
24 make some calls and move a cooperative effort along on a
25 county-by-county basis. I think if every city in Los

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1 Angeles County got this information from their haulers, if
2 all the facilities utilize this information, then I think
3 the landfill could easily be part of that solution. I
4 agree. It's not fair to put it all on the landfill
5 operator, but somebody out there has to bring everybody
6 together and say these are the grounds rules.

7 Thanks.

8 CHAIRMAN EATON: Thank you.

9 MR. HOGAN: My name is Paul Hogan with the
10 City of Lomita, L.A. County.

11 I just want to bring forward some
12 information that was passed on via letter to Mr. Eaton
13 from Mayor Trana. He indicated a lot of what was stated
14 here relating to the implementation of route sheets and
15 bar code for reporting, for rapid reporting, that would
16 assist the counties in quickly getting the information
17 into the data banks and for reporting to the various
18 agencies.

19 Mayor Trana's letter also indicated that
20 this should also be looked at for self haul or contractors
21 like gardeners, et cetera, who pick up green waste, et
22 cetera, from various different entities, agencies.

23 And just appreciate the Board's time and
24 the Board's interest in this issue.

25 CHAIRMAN EATON: Thank you for coming

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1 today.

2 MS. ABBEY: Hi. I'm Ruth Abbey. I work
3 for a consulting firm, (inaudible) and Associates, and
4 we're assisting a city in southern California in L.A.
5 County to document disposal tonnage. And I had a question
6 for Mr. George about the trucking system there.

7 I understand that there is a one-week
8 survey that you perform, and then I think you mentioned
9 then you also track on a daily basis, but in order to be
10 consistent with other reporting entities, you only report
11 the one-week survey information to the jurisdictions.

12 And my question is have you attempted to
13 reconcile the two pieces of data, the daily tonnage by the
14 full quarter with the one-week survey extrapolation, and
15 if I asked for it, would you give me the daily tonnage
16 information for the jurisdiction that I'm interested in.

17 MR. GEORGE: Let me answer the second
18 question first. Yes, that information is available to
19 you. I'll give you whatever you need to help you do your
20 job.

21 But the problem with the first question is
22 have we compared looking at every day checking as opposed
23 to the one week extrapolation? That would work if the
24 trash truck went to the same disposal site every day, but
25 trash moves around L.A. County depending on a lot of

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1 things.

2 Remember, a lot of our trash comes in
3 through transfer stations, anywhere from 20 to 40 percent,
4 so it's not directly comparable because now you're
5 comparing apples and oranges. If everybody else is
6 extrapolating, one of the weeks that we're not checking it
7 may go somewhere else and that person wouldn't pick it up.
8 It has to be the same system or you start to pass each
9 other on the idea of data being comparable.

10 MS. ABBEY: But you know exactly --

11 MR. GEORGE: You can do it, but it won't
12 mean anything.

13 MS. ABBEY: But you know exactly the
14 tonnage that a particular jurisdiction --

15 MR. GEORGE: Absolutely. And it comes in
16 during that month or three-month period of time, we know
17 exactly how much was charged against them. But to be able
18 to compare that by doing extrapolation method, every other
19 disposal site would have to do the same thing to check it
20 because it goes different places different times.

21 It could come in a lot the first ten weeks.
22 They could miss it three weeks. We have transfer stations
23 that come in every day for three weeks and we don't see
24 them for two months, and all of a sudden they'll come back
25 in again for six weeks and we don't see them again for a

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1 month.

2 That's the nature of the beast, so you
3 can't compare extrapolated numbers to every day numbers.
4 Statistically it just doesn't work.

5 MS. ABBEY: Is there a way so that you --

6 MR. GEORGE: You're going down a path
7 where you think you know what you're doing and you know
8 less about what's going on than you think.

9 MS. ABBEY: But does it make a difference
10 to the Waste Board? Maybe that's a question to the Waste
11 Board staff.

12 MR. GEORGE: Of course. It has to.

13 MS. ABBEY: For example, the gentleman from
14 San Ramon receives two kinds of data. He receives the
15 daily tonnage data from Alameda County and the one-week
16 survey data from Contra Costa County and that apparently
17 doesn't upset the Waste Board.

18 MR. GEORGE: That's two different disposal
19 sites. We do the same thing in L.A. County. Trash in
20 L.A. County goes to Orange County and they measure it
21 every day. They report every day numbers. Trash comes
22 from Orange County to L.A. County, it gets measures only
23 during the quarterly disposal week, checking week. There
24 are problems with the system. That's why they should be
25 consistent.

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1 MS. ABBEY: If -- can I ask the Waste Board
2 staff, if I use the daily tonnage information that
3 Mr. George has, would that be acceptable as far as you
4 know?

5 CHAIRMAN EATON: Perhaps what we can do is
6 hear the other comments. If you can take it to the side
7 and in the wrap-up later on this afternoon, you can kind
8 of go through it and maybe we'll reconcile that.

9 MS. ABBEY: Thank you very much.

10 CHAIRMAN EATON: Thank you.

11 MR. YOSHINA: Good morning, Members of the
12 Board.

13 My name is Jack Yoshina with the City of
14 Walnut, and I appreciate the comments made by my colleague
15 in Fontana. He's suffered some of the same kind of
16 problems, and it has to do with the boundaries of our
17 postal area that all have Walnut addresses and the actual
18 city limits, an extension is actually 35 percent beyond
19 our city limits, but they all have Walnut addresses and
20 for better or worse, we're next to a County sanitation
21 landfill. The bad news is that is one of the problems
22 that the City of Walnut faces.

23 And I do appreciate Mr. Jones's comments
24 about small cities and how small percentages of larger
25 cities could impact small cities. A small percentage in a

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1 larger city, and we're a small city, can greatly and
2 grossly impact the amount of tonnage disposed. So what
3 can be just a glitch in a large city can be devastating
4 for a small city like Walnut, and it has been. So we're
5 trying to adjust that issue.

6 But I appreciate the Board's interest in
7 hearing about that particular problem about the address.

8 CHAIRMAN EATON: Thank you.

9 MR. YOSHINA: Thank you.

10 MS. ANDERSON: Hi. My name is Jean
11 Anderson, and I'm Project Manager for the City of
12 Lakewood, and as a small city, solid waste and recycling
13 is just one of my many projects.

14 As basically already stated, we have a
15 system whereby a city can be fined up to \$10,000 a day
16 because they did not meet diversion goals which are based
17 on numbers derived from information given by a trash truck
18 driver to the weigh master. Information, I might add,
19 that the city has no control over. Information that in
20 many cases we did not authorize nor can we dispute in
21 accordance with Board-approved methods because we just
22 don't have access to the information.

23 As a small city, I wanted to give you some
24 specific examples of the problems with the Disposal
25 Reporting System. No less than 23 times have haulers

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1 misrepresented the city of origin. City of La Verne,
2 Lynwood, Long Beach, Bellflower unincorporated, have all
3 been charged to Lakewood. The L.A. County's method of
4 reporting, for example, the one week in each quarter where
5 that waste is extrapolated to a 13-week period, causes a
6 great deal of concern to a small city like Lakewood.
7 Specifically, this one-time dumping that is extrapolated,
8 there was a period of 67 tons that came from grass and
9 soil scalping at a local high school when an area was
10 being cleared for new classrooms, one time, gets
11 extrapolated as if that tonnage was dumped every day
12 during that quarter. It got extrapolated to almost 1,800
13 tons. Okay.

14 It was our city contract hauler dumped at a
15 transfer site due to the breakdown of a trash vehicle.
16 Normally that trash is taken elsewhere and is accounted
17 for. One time. It gets extrapolated as if the truck
18 broke down every single day of a three-month period. We
19 get charged with that trash.

20 City construction projects -- one time
21 Rockwell International building was demo'd for a new
22 Wal-Mart to come into the site. That tons also gets
23 extrapolated as if Rockwell International was dumped and
24 taken down every day of a three-month period.

25 An extra load of street sweeping debris --

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1 there's another thing. Street sweepers are also recorded.
2 That extra load got extrapolated and added to the regular
3 tonnage of our street sweeping debris.

4 It goes on and on. C&D refuse self haul
5 extrapolated tonnage -- we believe that C&D debris is not
6 disposed of on a daily basis. We have Lakewood tree
7 trimming waste. The amount is not going to composting, we
8 believe is not disposed of on a daily basis and therefore
9 should not be extrapolated.

10 Refuse from our city maintenance yard is
11 not disposed of on a daily basis, and we don't believe it
12 should be extrapolated, as is the city hardscape program
13 that cannot be -- or the roots or the debris from the
14 hardscape program that is not recycled, we believe this is
15 not disposed of on a daily basis and should not be
16 extrapolated.

17 We have incoming reporting by self haulers.
18 There was a tire company that happened to pick up tires in
19 Lakewood, takes them back Compton along with other cities
20 on his route. Takes all the tires out of his truck, sorts
21 through the good ones that he thinks he can resell, puts
22 the rest of the tires on the truck and takes them to the
23 landfill and says it all came from Lakewood, extrapolated
24 as if that truck took them every day of a three-month
25 period.

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1 We have questionable waste origin which
2 would be residue from transfer sites claimed as
3 Lakewood's, landfills that don't keep records on cash
4 customers so we can't follow-up. My experience is that
5 most self haulers do not obtain building permits, so
6 there's no way to track those records as some people think
7 that you can. There is a recycling company in L.A., a
8 recycling company that is allocating waste from their
9 facility as Lakewood's. They aren't even permitted as a
10 transfer station -- again extrapolated to a three-month
11 period.

12 We have contact numbers that are provided
13 by landfills and disposal sites that are incorrect, and by
14 the time we get them, the company is either out of
15 business, the phone number is wrong. There's no way to go
16 back three and four months to get this information to
17 dispute it.

18 There's one -- Bradley Landfill in L.A.
19 Refused to provide hauler information, and New Way Live
20 Oak landfill will only release hauler information if a
21 city goes in in person and goes through their entire
22 quarterly landfill records.

23 There is also waste that is dumped at far
24 away sites that is claimed to come from Lakewood. We have
25 a problem with that, with somebody dumping in Riverside

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1 and saying it came from Lakewood.

2 There's environmental factors that affect
3 waste tonnage. There may be an excessive rainfall during
4 a reporting week resulting in a wet, heavy trash which is
5 then extrapolated as if wet, heavy rainfall occurred
6 during an entire three-month period. We know that's not
7 the case.

8 We know that daily reporting might solve
9 some of these problems, but it will triple my workload in
10 tracking and disputing incorrect tonnage.

11 We feel that as long as cities are being
12 held responsible for the numbers derived from the Disposal
13 Reporting System and the potential resulting fine, then
14 all waste must be authorized first by the city of origin
15 before it is accepted for disposal at any permitted site,
16 and we know that in itself creates a myriad of problems.

17 CHAIRMAN EATON: Thank you.

18 MS. RANS: That was an exciting solution.
19 I'm Margaret Rans from the County of Santa Clara. I've
20 been administering the Disposal Reporting System since
21 1995 when it first went into place. And like most
22 projects, I thought that as we figured it out, it would
23 get easier, we would be able to solve the problems, we
24 could address them. We have reasonably cooperative
25 landfills, all of them with one exception, are privately

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1 operated.

2 So Jan's solution of doing it yourself
3 really doesn't work for us. The one time we tried doing
4 it ourselves, we had -- working with just two of our 15
5 cities for south county, we had Morgan Hill, Gilroy and
6 the County agree to fund workers to go stand during the
7 survey week and keep track of self haul loads, which would
8 really help. So we had all this information on every load
9 that came in and spent a lot of time putting it together,
10 and I would say found a lot of unreliable data from that.

11 We had the transfer station operator put
12 that data together for us on survey weeks and tried to
13 look at it then, after they put it together. There is not
14 a solution at that level that is cost-effective for us,
15 and as you look at this and as you address it, my dream is
16 that you will consider what's practical, what's realistic,
17 what's cost-effective.

18 I know that tightening down and getting
19 better and better and better reports could probably be
20 done, but at what cost? And given all the other things
21 that we have to do to reduce waste, recycle, and the
22 different things we could be doing with our time what
23 would make more sense? What could we be doing instead?

24 I would like to see something that really
25 works, not only for the counties who have to administer

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1 this, for the cities who have to live with what we put
2 together, and for the haulers and the landfills that have
3 to figure out how to make this work.

4 It has to work for all of us, and at this
5 point we're relying on individual haulers to be real clear
6 on where they came from and why, and that doesn't seem to
7 me -- we don't have an incentive built in that really
8 makes it worthwhile and reasonable to expect them to give
9 the level of detail that we're asking for, plus we have --
10 regardless of how cooperative your landfill is, the people
11 at the gate, processing this data, have a lot of things
12 they're supposed to be doing. They have to collect money.
13 They have to weigh loads. They have to do all this
14 different kind of tracking. And I would say that they
15 don't necessarily have the incentive to get the correct
16 level of detail that we need.

17 CHAIRMAN EATON: Thank you.

18 MS. RANS: Thank you.

19 MR. HORTON: My name is Tom Horton. I'm an
20 Integrated Waste Manager for San Joaquin County.

21 Ever since AB 939 was adopted, I've been
22 crunching numbers, and that goes back almost ten years
23 now. I spend about 50 percent of my name crunching
24 numbers. I would much rather spend it implementing
25 programs, managing the solid waste division.

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1 In San Joaquine County, we have four
2 landfills -- some publicly owned, some privately owned.
3 We have a half dozen transfer stations and recycling
4 centers. We record the origin of every user of those
5 facilities. The commercial haulers are no problem with
6 us. We've been able to resolve that to a manner that is
7 satisfactory to each our cities in the county. The
8 majority of our time is spent with self haulers.

9 There's another issue that really hasn't
10 been raised yet and I thought I would raise it because
11 we've been talking about the inaccuracy of data that the
12 self hauler reports to the facility. There's another
13 area, and that's in personnel. Some of our biggest
14 problems are personnel problems.

15 We have about 15 cashiers that are County
16 employees and there's a large turnover with cashiers. We
17 spent a great deal of time training our cashiers, doing
18 the scripting that they must use as they approach each
19 user of the site. We do considerable training and come
20 back and check on our cashiers periodically, and we find
21 that they forgot the script and start changing the script
22 and start changing the input into the computers and find
23 ways of adding new information into the computer.

24 So we figure out ways to block them out and
25 they figure out ways to overcome that. We do discipline

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1 on them. We fire them and get new cashiers, and we're
2 constantly working with the cashiers to get them to record
3 accurate information.

4 The reason I mention that is we have about
5 15 cashiers with the County, but there are another 15 or
6 so cashiers out there that work for the private companies
7 that we have no control over whatsoever. We have no way
8 of knowing what kind of training they're getting and what
9 type of experience and the old saying about computers,
10 garbage in, garbage out. That's just another area that
11 we've spent a tremendous amount of time in trying to train
12 cashiers and they're still just human, and I don't know
13 how we're going to solve that problem.

14 CHAIRMAN EATON: Thank you.

15 MR. DARA: Members of the Board, my name is
16 Jim Dara. I'm with the City of Lompoc, better known as
17 heaven. I'm going to get on the other side of this ball
18 game a little bit. The City of Lompoc owns and operates
19 its own landfill and its refuse collection, so that's why
20 I'm calling it heaven. We allow the County to dump a
21 small portion of their waste into the landfill. So we're
22 going to go back home and tell them we're done.

23 (Laughter)

24 MR. DARA: The issues that we have is we go
25 through the same system. Unlike a lot of other

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1 jurisdictions you can probably realize that what we have
2 is pretty much an easy goal for us. We would rather not
3 go back and reinvent the wheel again when we're not having
4 any problems. There are other agencies that I'm sure are
5 in the same boat, that I thought either writing a letter
6 or waiting in line was going to be the best thing to do.
7 And I was going to apologize for my attire, but unlike
8 Mr. Pennington, I don't own any ties. I guess I'm the
9 last of the red neck managers.

10 (Laughter)

11 MR. DARA: We would just like the Board to
12 recognize the fact that in some cases it's not working,
13 but we have picked up a lot of good information that other
14 people are using. But I think what everyone is trying to
15 say that we are all dealing with refuse, liars, and
16 everything else that goes on with this world.

17 (Laughter)

18 MR. DARA: Anyway, thank you very much.

19 CHAIRMAN EATON: Thank you.

20 MR. RAWLES: Good morning. My name is Jeff
21 Rawles. I'm with the County of Marin. I represent a
22 regional agency which includes all the cities in the
23 County of Marin. A couple years ago, your Board approved
24 a regional agency for the County of Marin, and I just want
25 to step up and say that you helped us quite a bit on the

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1 self haul issue and that resolved a whole bunch of our
2 problems, cut out a lot of the quibbling between the
3 various agencies, being a regional agency.

4 This year, or in '98 when we turned in our
5 annual report, we converted to the generation base method
6 of counting, and I think that also, when our report is
7 completed, will help a lot as far as the self haul issue
8 and the solving a lot of the data issues. I just wanted
9 to point out a couple of positive solutions we found in
10 these issues with your Board's help.

11 Thank you.

12 MR. BERRYHILL: I'm Jim Berryhill. I'm the
13 Public Works Administrator for the City of Pasadena, and
14 it sounds to me like AB 939 has turned into a full
15 employment act and that's probably why the economy is
16 doing so well today. There are so many people having to
17 keep records and so many people having to document and
18 justify their existences throughout this program. I think
19 we've lost the concept of what we're really trying to do
20 and that's divert the amount of material from the
21 landfill.

22 It has to be simplified somehow. I don't
23 know that you want to put more burden on the landfills or
24 more burden on the municipalities or the agencies, but I
25 think the bottom line is the things that you, the Waste

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1 Board and we, as the municipalities and agencies, do
2 directly affect those constituents that we are here to
3 represent, and we need to think long and hard about
4 creating more bureaucracy for a little gain in the benefit
5 of the numbers.

6 CHAIRMAN EATON: Thank you. All right.

7 That seems to conclude our first panel.

8 I'm going to take a short break because we are running
9 behind, but I think it's important that we hear,
10 especially as it relates to self haul. While the panels
11 change, it will take us about five minutes or so and we'll
12 get back at 12:00. I plan on taking a lunch break by
13 12:45. So if we can talk to the panel and see to it that
14 we're not redundant or repetitive and allow for public
15 comment and come back in five minutes.

16 (Brief recess taken)

17 CHAIRMAN EATON: Ladies and gentlemen,
18 we're ready for our second panel. If you can sit down
19 please, it would be greatly appreciated. Thank you.

20 Now our second panel is dealing with
21 specific data gaps. Lorraine VanKekerix is going to give
22 us our introduction. I would ask the panel members,
23 because we are running late, that it is important that
24 they not be repetitive and go over into some of the other
25 areas so we can allow sufficient time. We would like to

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1 be able to break by 12:45 for lunch. We as a Board have
2 another closed session that we have to maintain, so we
3 need to get back on track, especially since some members
4 have traveled from different parts of the state and need
5 to make airplane connections. And so therefore, your
6 cooperation is appreciated.

7 Ms. VanKekerix.

8 MS. VAN KEKERIX: Good morning. The
9 specific system data gaps panel has been asked to address
10 a number of issues. Some of the issues that have become
11 apparent as the Disposal Reporting System has been
12 implemented are areas where we don't have any easy data
13 available to audit.

14 These types of issues include the waste
15 that's exported out of state and to tribal lands. We
16 currently use the Board of Equalization data on tons
17 disposed as a check for the disposal reporting total tons
18 in the state. We don't have a check on tons exported out
19 of state or to tribal lands.

20 There's also an issue on tonnage
21 allocations to landfills that do not have scales, and we
22 also have issues in looking at revisions of tonnage
23 allocations to jurisdictions in a manner that counts for
24 all of the tons that have been disposed.

25 The final issue that we're looking at in

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1 this panel is the lack of accurate information from all
2 participants in the management of waste flow. We have
3 heard reports over the years that it has been very
4 difficult to get information from federal facilities, that
5 there are issues when different waste comes out of the
6 MRFs, and some people have done their source separation
7 before the recyclables were delivered to the MRF and other
8 people are relying on the MRF to pull out all the tonnage
9 of recyclables. Also, we heard under self haul the
10 difficulty in getting information from some haulers.

11 We have several things that we've asked the
12 panel members to focus on. The first is how do we
13 increase the accuracy in tonnage exported. The second is
14 effective methods to reconcile disputed waste allocations.

15 Thirdly, mechanisms to encourage all
16 participants to participate in the system and to ensure
17 timely data. And finally, what methods people have used
18 to overcome the lack of scales and inaccuracies.

19 We have five -- six panel members. We've
20 had some last-minute changes. Liz Citrino with Humboldt
21 County is here; John Febbo with Sacramento County; Michael
22 Huls, who is a consultant to many jurisdictions; Madalene
23 Arkelian with South Coast Refuse; Stacy Hubbard with
24 Riverside County; and a last-minute pinch hitter, Evan
25 Edgar, who describes himself as garbage man.

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1 That's the panel, and I believe Liz Citrino
2 was going to start.

3 MS. CITRINO: Thank you, Members of the
4 Board. I'd like to just briefly start by asking the
5 question, what is it we really mean when we talk about
6 accuracy? It's clear -- I think it should be clear to
7 everybody that we're not talking about mathematical
8 accuracy because it's just not reasonable.

9 So I guess I would suggest that to me
10 accuracy means two things. It means that for the total
11 waste shed, we believe that the total amount of disposal
12 that we're reporting is accurate, mathematically accurate
13 to the degree that we can establish that. Number two, we
14 believe that within our total waste shed, all the
15 jurisdictions are comfortable with the allocation which we
16 are using, and to us that should satisfy the concern for
17 accuracy.

18 If our total number is accurate and if the
19 jurisdictions that share that waste shed are satisfied
20 with the allocation that's being used, we believe that
21 should be the standard that we are asked to meet and we
22 would hope that that's acceptable to the Board.

23 In terms of addressing the specific
24 questions that were asked of us, I brought along a few
25 overheads to just try to lighten the mood a little bit.

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1 The first one, the accuracy of export to
2 out-of-state disposal facilities, I believe that the act
3 of exporting waste itself should not result in any
4 significance changes to prior patterns of disposal and
5 diversion. Currently Humboldt County exports roughly 50
6 percent of its disposed waste. That change in our system
7 has not affected the number of tons disposed as opposed to
8 the number of tons diverted. My suggestion would be that
9 staff monitor changes in the relative proportion of
10 disposal and diversion for those jurisdictions which
11 switch to export and only look at trying to put in place
12 methods to verify and back-up those exported tonnages in
13 the instances where you can see a change in the amount of
14 tons that are being reported which ties into the use of
15 the export system.

16 There's a number of ways that that could be
17 done. For example, if disposed tons decrease by more than
18 a specified percentage, documentation which could be
19 required might include export facility receipts, a
20 voluntary agreement with export facilities to report
21 tonnages received, substantiation by the jurisdictions of
22 the reasons for the decreased disposal tonnage, or even a
23 more formal reporting relationship with the regulatory
24 agencies of the neighboring states that are receiving the
25 exported tons.

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1 Number two, the tonnage allocation at
2 landfills without scales -- it was not clear to me from
3 the agenda if this is an allocation or a conversion issue,
4 but I think I'll address the conversion part under number
5 5 that deals here with allocation.

6 In either case, depending on the size and
7 complexity of the site, what we normally do is use a tally
8 type of log sheet for the survey week period which
9 allocates loads by jurisdiction by type and by size of
10 vehicle. For conversion issues, this same kind of tally
11 sheet is still useful as a base, but we also require
12 additional information of the type of waste received if
13 the type of vehicle doesn't automatically give us that
14 information. For example, a one-ton self haul commercial
15 load could include a wide variety of materials which might
16 have significant differences in terms of the
17 weight-to-volume conversion factor.

18 Number three, accounting for all the
19 disposed tons when revisions occur we see as a significant
20 problem which in the past at least has been somewhat
21 beyond our control. When we started out the process, we
22 were very careful to establish a total waste generated and
23 disposed for all of our jurisdictions together which
24 matched the records we had from the landfill according to
25 what they were reporting to BOE.

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1 The first problem we ran into is because
2 technically household hazardous waste was not defined as
3 solid waste, a decision was made at the Board level to
4 back out of our total disposed waste what we estimated
5 based on our waste characterization study represented
6 hazardous waste because of the conflict between some
7 acknowledgement that there may be indeed some hazardous
8 waste slipping through and going to the landfill.

9 Starting out with our approved numbers from
10 the Board didn't balance with what was going to the
11 landfill because of that decision. On an ongoing basis,
12 obviously that's no longer an issue unless we do another
13 waste characterization study. So our effort is to try and
14 make sure that every time we do a report, quarterly annual
15 report, the total tons that are reported for our
16 jurisdictions match what our disposal facilities are
17 reporting.

18 When a jurisdiction specifically goes to
19 the Board and asks for approval for a change in their base
20 year disposed quantities, if that approval occurs without
21 consultation with the other jurisdictions, which in fact
22 is what happened in our case, it throws off that balance.
23 So my suggestion would be that if there are jurisdictions
24 which are petitioning the Board to make changes in their
25 numbers, that it would be appropriate in some way to

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1 involve all the jurisdictions who share that waste shed in
2 the process perhaps through a review and comment by the
3 local task force so that at least you know and we know
4 what's being discussed. It's not just something that
5 happens and we find out about it later which throws off
6 the total quantities.

7 Number four, ensuring participation,
8 timeliness and accuracy in reporting an allocation -- the
9 key ingredients in successful, accurate quantification
10 from our point of view are understanding the flow of waste
11 within the system, which is obviously something that's
12 much easier to achieve in Humboldt County than in Los
13 Angeles, and controlling the flow of information.

14 We have implemented an alternative
15 reporting system which requires that all information be
16 submitted to the County at all levels in the system rather
17 than being passed along through the food chain until it
18 gets to the landfill and finally to us. Now, the concern
19 we have with the approved flow model that's in use
20 statewide is it's somewhat like a game of telephone where
21 you have one person whispering in somebody's else's ear
22 who then whispers in somebody else's ear, and by the time
23 it gets to the end of the chain, you end up with something
24 that has very little resemblance in most cases to what it
25 looked like when you started.

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1 Well, essentially we've taken the workload
2 off of the disposal facility operators, all the
3 information from the haulers, from the transfer stations,
4 from the landfills comes to the County, and the procedure
5 for allocating that is developed by the County and the
6 cities working together, again in a mutual agreement for
7 how to accomplish that allocation. It's a system that's
8 worked very well for us and we believe that it gives us a
9 greater degree of accuracy than we would get if we simply
10 relied on each of the levels in the system to pass the
11 information through to the next level before ultimately it
12 came back to us.

13 We have not had a whole lot of trouble
14 getting timely reports partly because we're the ones doing
15 the work, and the facilities that we deal with are well
16 aware that if they hold up the information that we
17 require, the likely result is they're going to have to end
18 up doing more of the work and that's not something that
19 they see as being in their best interest. Generally
20 speaking, they work with us well. The cities and the
21 counties for the most part work well together, and we have
22 not had a lot of internal disagreements about making the
23 system efficient and in effective.

24 Orphan waste is distributed in proportion
25 to all the identified waste received at a particular

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1 facility through an agreement between the County and the
2 cities. When's there's a doubt, jurisdictions with the
3 best numbers generally absorb the excess tonnage, by
4 agreement again. A voluntary compliance by haulers and
5 facilities is good because we're doing the work and
6 providing reliable information, which in turn we give back
7 to them which they can use then as they work through their
8 contractual relationships with different jurisdictions.

9 Franchise agreements and local ordinance
10 require reporting, but we rarely need to use the hammers
11 in those documents. If the people who had to do the
12 reporting had a financial stake in the outcome in the
13 allocation, I seriously doubt that we would get the same
14 kind of results that we do.

15 Finally, I'm going to skip over the weight
16 versus volume issue because we do have scales at all but
17 our smallest facility and stress again that to us, the
18 real key to making this successful has been two things.

19 One, that there's one person who knows
20 where the waste goes, that has a good working relationship
21 with everybody else who depends on that information; and
22 number two, that we've all reached agreement on making
23 revisions to the flow of information in the system so that
24 we can ensure that it's accurate and satisfactory to all
25 the people who need to use the information.

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1 CHAIRMAN EATON: Thank you, Ms. Citrino.

2 Thank you for being concise and considerate.

3 MR. FEBBO: Good afternoon, Chairman Eaton,

4 Members of the Board. John Febbo with the Sacramento

5 County Waste Management Recycling Division. I appreciate

6 the opportunity to be here today and speak, and I have to

7 preface my comments with an apology. I'm going to have to

8 leave soon after my presentation. I have another meeting

9 to get to and since we're running a little bit late, I

10 won't be able to stay for questions and answers. I

11 enjoyed the first panel, but we're running into a little

12 schedule conflict.

13 So before I get into addressing the

14 specific questions, I do want to say that the current --

15 my understanding of the current efforts is that they're

16 moving a little problematic in the evaluation of

17 jurisdictions and their compliance with the AB 939. I

18 think that's good. In general there are flaws in the

19 system and this is great that we're getting together and

20 allowing jurisdictions the opportunity to address the

21 specific flaws but moving towards a programatic evaluation

22 when a jurisdiction such as ours, which is a host

23 jurisdiction and tends to get a fair amount of what we

24 perceive may be extra disposal tonnage allocated to our

25 jurisdiction because we have a host landfill.

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1 I think it's been said earlier that the
2 natural reaction of people sometimes when they get to a
3 scale house and they're getting surveyed is to respond the
4 jurisdiction is from the landfill that they're going to in
5 fear of certain extra charges or something else that may
6 happen. I think we experience a little of that at
7 Sacramento County. I really don't know how much or can't
8 quantify it, but certainly the programmatic evaluation that
9 I've been experiencing. The staff at the Waste Board has
10 been really good in giving us the opportunity to
11 demonstrate that we're making good faith in implementing
12 the programs to get to 50 percent.

13 In the questions for the panel, the first
14 one on A, in terms of the Board of Equalization tons -- to
15 me, the answer to that is one that I'm sure there are some
16 other issues that probably make it a little more difficult
17 to do it this simply, would be to charge the transfer
18 stations and haulers that are exporting waste out of the
19 state the same fee that the landfills in California pay,
20 dollar and change to fund the program here at the Waste
21 Board.

22 An example of this locally is our
23 Sacramento County landfill. We pay towards the Board of
24 Equalization, and it seems from the staff at the Waste
25 Board's side, it seems that those numbers are easily

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1 attainable in terms of allocating the disposal. You get
2 the number from the BOE, it's allocated throughout the
3 system.

4 The City of Sacramento, for instance, is
5 now exporting its waste to the Lockwood landfill in
6 Nevada. So on an equity side, they're avoiding chipping
7 in on the programs, and the programs are good programs.
8 They help to allow the jurisdictions to meet the AB 939
9 mandates, and the promotion of the programs is something
10 that we all need to chip in on, but some jurisdictions are
11 now not chipping in on that.

12 As well, when it seems that you talk about
13 methods to determine if the export is being reported, what
14 you're going to talk about then is Waste Board staff
15 having to actually track down waste that's being exported
16 and that's time and staff and resources and money going to
17 track down waste that's being exported, and that's time
18 and staff and resources and money going to track down
19 waste that's exiting the system, and that staff and those
20 resources are being paid for by only the landfills that
21 are in California. So you're tracking the waste that's
22 leaving, and again, it makes the equity -- it takes the
23 equity a little further, or the inequity a little further.
24 That was one issue I wanted to address when it comes to A.

25 In terms of B, successful in reconciling

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1 disputed waste allocations -- I've got some of my local
2 private landfills who are working really much closer to me
3 with giving me the proper numbers and they're going even
4 further beyond a one-week survey and starting to get
5 jurisdictions even further away than Sacramento County
6 because they're doing a better job of surveying at their
7 scale house, and all that information comes to us and we
8 disseminate that information to all these jurisdictions.
9 It's funny to see the voice mails I get from far away
10 jurisdictions when they suddenly get tagged with some
11 tons.

12 I don't know how to necessarily get around
13 that other than that our system does code all the users of
14 the facility. So if a jurisdiction has a problem with
15 getting allocated some tonnage, that we can invite them to
16 come in and look at the individual actual accounts that --
17 or transactions that caused that allocation so they can
18 see perhaps the hauler or some kind of identification, if
19 they have an account with us, to help them be assured that
20 that jurisdiction is indeed getting tonnage that is from
21 that jurisdiction. So we haven't had much of a problem
22 with that.

23 On C as well, we haven't had much of a
24 problem with that because our private landfills have been
25 real cooperative, but I imagine that is a problem in some

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1 of the other jurisdictions because there's really no power
2 in the County's part, that I know of, that I can say you
3 have to give me this information. Your regulations that
4 I'm not sure of the section, does say specifically when
5 the private landfills are to report to the counties, and
6 then when those counties are supposed to report to the
7 allocated jurisdictions, but I don't know if there's a
8 hammer there for us in terms of dealing with the local
9 landfills and saying you have to do it or else. I don't
10 know what.

11 Finally on D, the issue of scales -- we've
12 passed an ordinance locally that requires the private
13 landfills to put in scales and that's been real
14 successful. Some of the conversion factors that are being
15 used by the different landfills are all over the map, and
16 I think some standardization there might help with getting
17 landfills that don't have scales to convert their volumes
18 in a fair and equitable way. We've yet to do any base
19 year adjustment in Sacramento County. I sort of look at a
20 base year adjustment or the new thing, which is a re-base
21 year, as a get out of jail free card. It's your one
22 chance to really take a look at the numbers again and get
23 your best number again.

24 Frankly, we're waiting for these local
25 landfills to do the -- to implement their scales and get

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1 their scale systems in and then we're going to do a
2 re-base year based on the scales because some of the
3 conversion factors may not be yielding the proper
4 information.

5 All in all, though, I do appreciate the
6 opportunity to speak and I do appreciate the trend towards
7 programatic evaluation. I think that's the key that I
8 wanted to focus on. And I'm sorry I'm going to have to
9 leave very soon here and not stay for the whole
10 question-and-answer period.

11 CHAIRMAN EATON: Thank you very much.

12 Mr. Huls.

13 MR. HULS: Thank you very much, sir, and
14 Members of the Board and all of our audience who have been
15 very patient today to hear everything that's being
16 said.

17 Just as a first comment, as a consultant, I
18 keep hearing that the DRS is my full employment act.
19 Nothing do I hate more than to count beans or count the
20 absence of beans. I would much rather be implementing
21 programs and I think most people in the state would feel
22 the same way.

23 Assuming we do keep the DRS, I think we're
24 going to have to make some assumptions. One of those is
25 that there's going to be a margin of error in the

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1 counting, and what is an acceptable margin of error is
2 something that you as policy makers are going to have to
3 decide and you may have to regulate with that margin in
4 mind. In other words, we can't really come down to a plus
5 or minus one-hundredth of a percent when a lot of the
6 information is not sufficient in detail to be able to
7 yield that kind of a number.

8 Now, with respect to the issues that are
9 before this panel, I think all jurisdictions I serve end
10 up exporting their waste. There's no jurisdiction that I
11 work with that has a landfill in their boundaries. So
12 whether it goes out of state or goes down the block to
13 another jurisdiction, export becomes an issue to them.
14 And obviously the accuracy of what goes to any disposal
15 site is of utmost importance to them.

16 What methods can we use to reconcile the
17 disputed waste allocations? Well, in my work with over 30
18 jurisdictions in L.A. County and participation in the
19 preparation of over 50 SRREs, data problems have pretty
20 much been a 50-50 proposition. Half the problems have
21 been the base year underreporting of disposal and
22 diversion, and the other half has been the reporting years
23 DRS.

24 In some cases the DRS problem has probably
25 been a little bit overstated because the base year

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1 problems were severe in many cases, but that does not
2 remove the reality that the DRS problems are very real
3 and very severe, and I think they seem to be continuing
4 from year to year, although they don't necessarily keep
5 the same framework, exactly the same problem, but in many
6 cases they are happening to the same jurisdictions over
7 and over.

8 I'll go over a couple of those anomalies.
9 One thing that I think we do have to keep in mind is in
10 the characterization of this problem, we have to recognize
11 what is the systemic data gap problem with the DRS and
12 really what are statistical anomalies and then what are
13 really embodied in the DRS, and what can we correct and
14 what are institutional issues. And those are things we
15 have to keep in mind.

16 Just real quickly, and I'll list this in
17 the interest of time. Some of the data gap issues with
18 haulers and self haulers and, in effect, other haulers, as
19 Jan Goss had brought up, there's a significant gap between
20 the number of haulers and self haulers reported in the
21 base year versus the number of haulers reported by the
22 DRS. One jurisdiction I work with had 20 identified in
23 the SRRE, and after we took a look at first quarter of the
24 DRS, they had over 175. That's a significant data gap.

25 The only way to resolve that is you've got

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1 to have a better handle on who's hauling within your
2 community and that means more work has to be done. That's
3 more of an institutional issue there. Now, another
4 institutional issue is postal codes that cause reporting
5 irregularities. Postal codes stipulate that any mailing
6 address must have a legally recognized city or community
7 identified. There's no unincorporated city in California.

8 The problem here is that there are some
9 communities or jurisdictions that have greater incidents
10 of unincorporated areas within or near their
11 jurisdictions. Subsequently, they're going to end up with
12 a lot more of this problem of this issue of postal code
13 irregularity.

14 The estimation at the landfill, I think
15 Mr. Bill George brought that up very succinctly at the
16 beginning. We didn't count a lot of those inert landfills
17 in the original 1990 studies. So one way that we could
18 resolve that particular issue is not to count them in
19 subsequent reporting years.

20 But right now, we do have some other issues
21 related to these inert sites. A lot of them do not --
22 first of all, they don't have scales. So that's an
23 estimation problem and that could be 10 to 20 percent plus
24 or minus. On the other hand, some of them actually do not
25 follow the regular guidelines of the DRS as is performed

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1 within a particular county. For example, one site
2 operator disclosed to me today really disregarded the
3 weekly survey each quarter, and they just take a look at
4 everything brought within a quarter, and then what they
5 give out to the cities is just a listing of how much
6 tonnage your city was basically apportioned during the
7 quarter, and they don't really have a good rhyme or reason
8 as to how that's brought about.

9 The proximity of the landfills is another
10 institutional issue. It may be that self hauling could be
11 a function of how close you are to the landfills. So
12 that's one effect. But on the other hand, there is the
13 tendency, I think, that as a hauler comes to the landfill,
14 and especially what I call the occasional haulers -- those
15 are not regular haulers, don't do this as part of their
16 job -- they'll come to a site, there will be a long line,
17 and by the time they get to the front and realize they
18 have to have an address, they remember the last sign that
19 they saw as they came into the landfill from exiting from
20 the freeway that said such-and-such city so err go, that
21 city gets that tonnage.

22 I think the reliance on haulers to provide
23 accurate information to operators and a jurisdiction at
24 present has been fraught with error and the potential for
25 dishonesty, and there we perhaps have an issue in terms of

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1 identifying an enforcement mechanism to require haulers
2 not only within a jurisdiction itself, but also outside
3 the jurisdiction. The PRC just basically says it's a
4 civil matter. You've got to find these people and you've
5 basically got to sue them.

6 The reliance on the jurisdiction name only
7 for origin, I think there's probably some controversy
8 there, how much information is really necessary, but I
9 believe for a lot of jurisdictions that they did have a
10 street address for the occasional haulers, those who are
11 bringing in the discreet load. That would very well help,
12 and the mechanism that we have right now for disputing
13 allocations is that you've got to provide a certification
14 of where the waste came from, an alternative origin. And
15 outside of that it's just providing information on the
16 franchise hauler.

17 I'll close at that point to give other
18 people opportunity to talk. Thank you very much.

19 CHAIRMAN EATON: Thank you, Mr. Huls.

20 Ms. Arkelian.

21 MS. ARKELIAN: Good morning, panel, and
22 thank you for asking me to participate. I'm probably the
23 least sophisticated individual who's going to be on any
24 panel since I'm a small waste hauler and operator in
25 Orange County and have been the President of Greater Los

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1 Angeles Haulers Association for three and a half years.

2 All of these issues that have been
3 reiterated today are definitely common issues that need to
4 be addressed. I'm just going to state to the panel
5 discussion that I'm supposed to be addressing, I would
6 have probably much more to say, but I'm going to not
7 deviate from it for the sake of time and repetition that
8 is always constituted in these kinds of meetings.

9 Waste tonnage disposed of that goes -- that
10 is checked by the Board of Equalization, I believe that
11 anything that is exported out of the state, and I believe
12 that's what the issue is about, it should be charged that
13 same amount of dollars. And I don't see why that would be
14 an impossibility if a city, jurisdiction or anyone is
15 going to export. They do have an obligation to meet the
16 AB 939 mandate and participate in the cost of it. So
17 therefore, if we are aware of their exportation and the
18 amount of tonnage that they're exporting, that Board of
19 Equalization fee should definitely be across the board.

20 How do you determine if they're reporting
21 correctly? Again, if a jurisdiction has it within their
22 reports up to the state and in their SRREs that they are
23 50 percent exporting out of the state, they surely should
24 have their feet held to the fire and do the reporting
25 across the board as do all other jurisdictions because

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1 that's part of AB 939 and it's a mandated cooperation for
2 AB 939.

3 I don't know why anyone would not be
4 reporting it and why you wouldn't be able to get it. If
5 they come up here and don't have it, then I think that's
6 the penalty side of the issue. They have a way of getting
7 it. They know what the tonnage is reported.

8 Accuracy of exported tonnage -- it's like
9 everything else we do in the waste industry. I've been in
10 it for 48 years. How accurate can any of this mumbo jumbo
11 be that we're going through AB 939? It's as accurate as
12 we can possibly make it. I don't know that haulers are
13 not cooperating -- in fact, they've been hit the hardest
14 with AB 939 because they're the ones that are going to
15 bring the cities and jurisdictions into compliance. We
16 buy the equipment. We do everything to cooperate and
17 implement programs.

18 I'm not a franchise hauler. I'm an
19 independent hauler, which I believe in the independence of
20 any business to be able to operate, but we do have a
21 majority of franchise haulers in the state of California,
22 and they have signed contracts that are legitimately
23 taking on the responsibilities for AB 939. And if they're
24 going to take those responsibilities on, the reporting
25 factor does lie in their hands and they need to address

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1 that issue. If they don't address it, the City should be
2 taking some recourses when they come up here and have to
3 cry to you, the Board, that they're not meeting their
4 mandate.

5 I believe last year the Governor -- there
6 was a mandate that was supposed to be alleviating some of
7 the pressure on the waste haulers -- Evan is going to hit
8 me with this one -- and it didn't pass. And the Governor
9 said you've written a contract, it's a contractual
10 agreement, you've come on board to implement and to put AB
11 939 into the works. You've taken on the liability, the
12 responsibility. I believe that it lies there with the
13 franchise hauler when they do that with a city. As I
14 said, I don't believe in franchises. That is a
15 circumstance of the state of California.

16 I think that shouldn't have any problem of
17 getting a report. If you're going to report, you're going
18 to report. If you don't report, you lose the franchise or
19 whatever recourse there is to take to prevent them from
20 not meeting the AB 939 mandate that they said they would
21 do.

22 What methods are currently successful in
23 reconciling disputes with waste allocation -- in the
24 particular areas that I operate, and I'm allowed to
25 operate in 33 cities in Orange County, only three are an

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1 open forum for independent haulers. We have come on board
2 and written documents and agreements that we would
3 cooperate. We have quarterly reports that we do. We have
4 a check and balance system because they've hired
5 consultants that do policing action to see that those
6 haulers are implementing. I think those disputes are
7 readily taken care of. I don't know that any particular
8 franchise city hauler, what the disputes are and how they
9 go about resolving them, because I don't think any
10 disputes come up.

11 The majority use MRFs and play with the
12 figures and come up with whatever the figure is the city
13 wants to be able to report to you, the Board, to make them
14 comply.

15 Mechanisms -- this is number C -- found
16 useful to encourage participation by federal facilities --
17 well, again, federal facilities are a whole entity and
18 jurisdiction unto themselves, and until those regulations
19 change and the state has some jurisdiction over federal
20 facilities, I don't know where the compliance would come
21 in with those particular facilities. School districts,
22 for instance, we need to change the -- I guess pass
23 legislation if we're going to bring them into the fold and
24 they should be in the fold. There's a lot of tonnage
25 there, but until you do that, I know in Orange County

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1 we're talking about bringing those particular facilities
2 into compliance. I don't know what jurisdictional
3 authority there would be legally, and I'm not an attorney
4 so I can't address that, but I know that those are outside
5 the realm of the state of California. Federal supersedes
6 California, I believe, not that that's good or bad or
7 whatever.

8 The lack of scales -- again, you as the
9 Board are in the jurisdictional seat to control what goes
10 on at the landfills. Okay. And if they come to you for a
11 facility permit, I can't perceive why any landfill would
12 be operating without a scale. This has been a very
13 serious issue for me in the last year and a half with the
14 County for a particular over weights and issues with the
15 scales. We've had litigation over it. I would believe
16 that you as a Board should see that every single solitary
17 facility, MRF, transfer body, transfer station, has the
18 proper scales and that those scales are certified at least
19 once a month, no less than three months because of the
20 weight of the equipment that goes across those, and by a
21 proper facility of the state of California, not by an
22 outside entity.

23 Scales -- we have one. We operate one
24 because we have a paper facility, and they can go askew.
25 And I don't know that you get the proper readings if you

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1 don't have a scale. We, several years ago, had another
2 issue with the State of California because they had a
3 different methodology before they got the scales, and that
4 was so tremendously askewed and there was proof and we did
5 prove that fact. Okay. So as far as a Board goes, since
6 you have the control over the landfills, I would like to
7 see you mandate -- there's a nasty word. I don't like
8 it -- but if you're controlling landfills, there should be
9 a scale system.

10 I believe that covers those four questions.
11 I perhaps will wait until a little later in the public
12 forum to address a few other issues.

13 Thank you for the opportunity.

14 CHAIRMAN EATON: Thank you.

15 Ms. Hubbard.

16 MS. HUBBARD: Hi. My name is Stacy
17 Hubbard. I'm with the Riverside County Waste Management
18 Department. I would like to quickly review the answers
19 that I've prepared for these questions and then share
20 something that we just started with Riverside County.

21 The first question, A, what methods can be
22 used to determine if all export is being reported --
23 basically we have notified our franchise haulers in
24 Riverside County that all exports should be reported. We
25 don't have any measures in place to verify that this is

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1 being done, and presently only one city, that's Cathedral
2 city in the desert, exports waste to Arizona.

3 As far as tribal -- and I don't know if
4 anyone has touched on that yet -- we do have a lot of
5 Indian land in Riverside County, and particularly in the
6 City of Palm Springs. It's like a checker board. You've
7 got city, tribal, city, tribal. One hauler is having a
8 very difficult time trying to report that, and basically
9 we've told him do the best you can. If the city has
10 problems with it, you and the city work together, notify
11 the Waste Board of your problems in your annual report.
12 That's basically how we've looked at it.

13 But we do -- other haulers do report. We
14 have separate jurisdiction codes for Indian land, and it
15 is being reported. I want to skip question B and do that
16 last.

17 Question C, what mechanisms have
18 jurisdictions or agencies found useful that encourage
19 participation by federal facilities and other reluctant
20 haulers and facilities -- In the beginning, and I would
21 say even before, I would say in 1992 when we got word of
22 AB 939, we started sending surveys out to the people that
23 hold accounts with the Waste Management Department,
24 letting them know that this is the information that we're
25 going to need from you. We asked them where they generate

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1 their waste from, and we told them to start reporting -- I
2 believe it was in '92 or '93 that we started asking them
3 at the landfills.

4 We also asked for surveys where they
5 checked off the cities or the unincorporated areas where
6 they do business, and basically just told them they're
7 going to be required to report that when they get to the
8 landfill, and this is for self haul. We've also
9 distributed flyers in English and Spanish explaining why
10 we ask, real simple bullet point flyers, why we ask where
11 the waste is from. We do have maps that only show one or
12 two cities around that particular landfill because we --
13 like earlier was mentioned -- we do have major problems
14 with self haul and people not knowing exactly where the
15 waste was from, whether they were in a city or
16 unincorporated areas. So the people at the gates, they
17 know the areas and they can say okay. If somebody says we
18 were in Desert Hot Springs -- were you on this side of the
19 freeway or this side of the freeway? And they can narrow
20 it down that way.

21 What mechanisms have been used to ensure
22 timely, accurate transmittal of information data -- we
23 pretty much operate with our franchise haulers like Orange
24 County does. We have them report from their dispatch to
25 our office. We do not rely on the drivers nor the fee

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1 collectors for that waste, and the haulers have been told
2 they have five days within the date of transaction to get
3 that information to us.

4 Our Board of Supervisors approved a \$25 per
5 day per ticket fine, and if they don't do it, we can fine
6 them. We're pretty lax with that fine because it was hard
7 for us to keep up with the number of tickets that were
8 coming in. Let me back up a second. We have the haulers
9 send in a copy their ticket. We have all of the Riverside
10 County jurisdictions marked at the bottom and they
11 indicate where that waste came from. If it's a split
12 load, they indicate what percentage. They have five days
13 to get those tickets in and we have staff that key punches
14 that information in. And if we don't get that information
15 from them within a certain period of time, technically
16 after five days we can fine them. So we don't have too
17 many problems with that.

18 Question D, how does the lack of scales at
19 facilities and the volume-based tonnage estimate impact
20 allocation accuracy and what methods have been
21 successfully used to overcome the lack of scales -- we
22 only have two very remote desert sites that are currently
23 open where we do not have scales. We used to rely on
24 annual flight data and we found that we were constantly
25 going back and having to revise that tonnage for those

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1 sites.

2 So now we have a person who stands out
3 there at the landfill, and we have tonnage estimates based
4 on the type of vehicle that the person is bringing the
5 waste in, and that person also surveys the customer to
6 find out where the waste originated. Punch cards are sold
7 to the local area residents and business and they have a
8 maximum of 52 uses per year.

9 Back to question B, what methods are
10 currently successful in reconciling disputed waste
11 allocations -- as far as the franchised haulers, we had
12 one recently where it was discovered that one hauler out
13 in the desert was reporting Desert Hot Springs as the
14 origin, and we didn't catch it because they have several
15 jurisdictions out in the desert. And so it was brought to
16 my attention. I called the waste hauler and said, hey,
17 you guys are reporting this tonnage from Desert Hot
18 Springs. They said, yeah. We pick up loads from such and
19 such in Desert Hot Springs. I said, well, is it in the
20 city or in the unincorporated. Oh, that's unincorporated
21 area. Okay. You don't have the franchise in the city of
22 Desert Hot Springs. Oh, yeah. That's right.

23 So that data affected 1998 data and we
24 found this out, I believe, it was in June of this year.
25 So -- no, actually it was in August because I recall all

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1 the annual reports where '98 had been sent in. At least
2 ours had. I don't know about the other cities. So I was
3 not going to go back and correct 1998 data.

4 However, I ran a month-by-month total, a
5 tally for that hauler, for that jurisdiction, notified the
6 city in writing of the tonnage amount. This tonnage
7 should be unincorporated, not the City of Desert Hot
8 Springs, cc'd the Waste Board, cc'd the hauler. I told
9 the hauler you guys need to report it correctly from here
10 on out, and I changed all '99 data because I did actually
11 get a revised report from one of our transfer stations for
12 first quarter '99 so I had to change data from first
13 quarter anyway. So I went back and corrected the first
14 quarter's information. Luckily second quarter reports had
15 not been sent out yet, so I was able to correct that
16 information before any reports went out.

17 So basically we don't have like a set time
18 limit. I know some jurisdictions have said 60 days from
19 the date of the report we're not going to do any
20 corrections. You have to notify us within 60 days. We
21 basically take it in a situation by situation. We haven't
22 had too many problems. We kind of look at it if it was
23 more than a quarter ago and it's minor tonnage, we will
24 acknowledge it in writing and say we're sorry, we'll get
25 it corrected, make sure the hauler knows the proper way to

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1 report it and that's how we handle it. If it's major and
2 it was just the previous quarter, we'll probably go back
3 and correct it and reissue reports.

4 But I wanted to let you know what we've
5 just done, the overhead. We have gone automated with our
6 system. Currently the haulers are sending in tickets. We
7 key punch that data in and you can imagine the boxes and
8 boxes of tickets we get, and all the key punching our
9 folks do at Waste Management.

10 We have gone automated whereby we send the
11 hauler their day's transactions, say yesterday's
12 transactions they got this morning by E-mail. They pull
13 up their account. It will list the transaction. There's
14 a couple of screens, and you can show them the other
15 overhead, where they can enter the information. They can
16 pull up their account and their transactions they did the
17 previous day. They can identify it by everything that's
18 on the dump slip -- the weight, the time, the truck
19 driver, their account number, et cetera -- and they are to
20 enter the jurisdiction code on that ticket, and then in
21 turn hit a key and send it back to us.

22 We actually met with the haulers in August
23 and just told them what we were going to do, what they
24 would like to see in the system, and we began implementing
25 it in mid-September, I believe it was. Tomorrow we

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1 implement it with our last two haulers. We started with
2 one hauler that has very little tonnage just to make sure
3 it was going to work properly. We tested it for several
4 weeks and then began implementing it like one hauler per
5 week, and tomorrow we do the last two. But it is going
6 very well and there's a couple of little glitches that we
7 did anticipate, but we're working on that.

8 CHAIRMAN EATON: Thank you.

9 Mr. Edgar, always brief.

10 MR. EDGAR: One issue, two
11 minutes.

12 Evan Edgar, Director of Regulatory Affairs
13 for the California Refuse Removal Council. The one issue
14 will be accurate hauler information.

15 CHAIRMAN EATON: And garbage man, I'm told.

16 (Laughter)

17 MR. EDGAR: Accurate hauler information
18 from the garbage man.

19 Typically CRRC people are the franchise
20 haulers in over a hundred communities. We have
21 franchises, we have contracts. We have permitted
22 facilities. We have certified recycling centers, and we
23 even voluntarily register our compost products. So we are
24 very registered and certified with good information.

25 As you heard today, local government

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1 believes that the franchised hauler is doing their job on
2 providing accurate information, not only for disposal
3 tonnage, but even for diversion tonnages, because with the
4 contract and with the franchise, we have real programs,
5 real tons by real people and we're proud of that.

6 What I'm here today to talk about is a data
7 gap, and the data gap that we have is from inaccurate
8 information from the disenfranchised haulers. Who are the
9 disenfranchised haulers? They typically have no
10 franchise, typically to unpermitted facilities, they haul
11 industrial waste in C&D boxes, very little information on
12 disposal and even less on diversion, and some of the
13 problems that we have that was mentioned today is that
14 sometimes the disenfranchised culture is doing direct haul
15 and sometimes going around the AB 939 infrastructure.

16 When other utilities have an infrastructure
17 in place, there's good accounting. Let's look at
18 electricity. They have kilowatts per hour. Let's talk
19 about water quality, parts per million; traffic, vehicles
20 per day; sewer, gallons per day. Why can't we do garbage
21 in tons per day? It seems like it's achievable when we
22 have an infrastructure in place.

23 What type of solutions can we have in order
24 to develop that infrastructure? We've been working hard
25 on that for many years within a tiered permitting system

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1 to get the permitted facilities up and running. I believe
2 that the Waste Board could recreate an infrastructure with
3 C&D regulations that have been shelved. I believe you
4 separate the clean inert issue away from the commingled
5 C&D, resurrect that, and as part of the C&D regulations,
6 include the disposal and diversion tonnages.

7 I believe we can create the infrastructure
8 by permitting C&D landfills. A lot of landfills out there
9 that are unclassified without a Solid Waste Facility
10 Permit and local government is getting AB 939 diversion by
11 default. I believe these unpermitted C&D landfills need
12 to have scales and need to have data and disposal
13 tonnages. And last but not least, which is a local issue,
14 local control, but jurisdictions to track this disposal
15 and diversion tonnages. That's a local issue and we would
16 support that.

17 Thank you.

18 CHAIRMAN EATON: Thank you.

19 Members, any questions of the panel members
20 before we move to the public comment period?

21 I have one quick question. What do you
22 think the cost is, Ms. Hubbard, to implement that system?

23 MS. HUBBARD: We hired an intern to do it
24 and I'm not going to give his name before I sign a
25 contract with him.

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1 CHAIRMAN EATON: You've obviously been in
2 this forum with these individuals before.

3 MS. HUBBARD: It's actually -- this is the
4 first time we've -- I've talked about it in a public
5 forum. It's impressive. It's just really impressive what
6 he's done, and not only him or other computer staff that
7 has previously worked with me.

8 CHAIRMAN EATON: Okay.

9 MS. HUBBARD: I think it's worth it. I
10 think it's going to benefit the haulers. They were very
11 gung-ho when we met with them on the system because they
12 will be able to use it in the database for their own
13 records, and we want -- we couldn't just go out and say
14 we're going to do this now, but it wasn't going to benefit
15 them and we're going to have to put in these records two
16 or three times, once in their system and once in ours. We
17 actually went out and installed the software in their
18 offices and they're going to be able to use it for
19 their records. We're going to eliminate the paper that's
20 accumulating in the offices. They're going to decrease
21 their mail costs. So hopefully it will benefit
22 everyone.

23 CHAIRMAN EATON: Any public comment in
24 this section?

25 BOARD MEMBER JONES: While we're coming in,

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1 can I ask a question? The ordinance that you put in
2 place, I think that's a -- I think that goes to the heart
3 of a lot of these issues and why you are so successful
4 because your elected officials put conditions in to
5 operate. And I think that is something that cities and
6 counties, irregardless of size, can control -- they can
7 control it with what goes to recycling facilities and
8 deconstruction projects. They can control it by who picks
9 up garbage in their city and does recycling and make sure
10 that they report those back.

11 I really -- I love the system but I commend
12 you because that's the heart of the problem. That's the
13 heart of how you get a lot of this fixed.

14 CHAIRMAN EATON: Okay.

15 MS. ARKELIAN: Hi. I'm Nancy Arkelian,
16 South Coast Refuse. I had a comment for Evan. Do you
17 think it would be a good idea to put waste in the state of
18 California under public utilities like the example you
19 gave for electricity?

20 MR. EDGAR: No, I didn't say that. We
21 support the franchise system, but the infrastructure
22 developed a tonnage accounting, which we're here for
23 today, not rebuild. It was an example.

24 MR. RYAN: I'm Paul Ryan with the Inland
25 Empire Disposal Association, a subsidiary member of CRRC.

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1 I would like to reiterate what Stacy
2 Hubbard was saying. Our membership is actively
3 participating with Riverside County in the implementation
4 of the program, not only the collectors but also the MRF
5 operators and transfer station operators are actively
6 participating. They started implementing the program and
7 they feel very comfortable with what's happening.

8 The other comment I would like to make was
9 reiterating some things that Evan Edgar and other panel
10 members made about operating within the infrastructure.
11 As some of you may know, I used to be the Director of
12 Environmental Health and Air Pollution Control Officer for
13 San Bernardino County, and we're all familiar with what
14 happened at the illegal Cajon site.

15 I want to state for the public record part
16 of the problem that occurred at that site, as well as
17 other sites throughout that county and throughout the
18 state, is a direct result of the fact that some of the
19 LEAs have omitted some of the permitting for the small
20 haulers, and in San Bernardino County's case that is
21 exactly what happened. I talked to Pete Briar to reaffirm
22 that's the current view from San Bernardino County.

23 One of the things that the Board may want
24 to do as part of beefing up the infrastructure in the
25 future is to make sure that the LEAs have permits in place

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1 for all types of haulers, not only the franchise haulers,
2 but the small self haul type haulers, and I think we can
3 eliminate some of these problems in the reporting system,
4 as well as the illegal disposal activities.

5 Thank you.

6 CHAIRMAN EATON: Thank you, Mr. Ryan.

7 MR. KOHN: Bob Kohn from the Tehama County
8 Sanitary Landfill Agency. I just have a brief comment on
9 question number D.

10 Basically, allocation of waste done by
11 volume or cubic yard conversion has been extremely
12 inaccurate, at least that's been my experience. You have
13 a lot of variables in there. Doing them by size of
14 vehicle or vehicle type is even worse. Is the vehicle
15 full? Is the waste wet? Is the load mixed? It's mostly
16 yard waste, so do you give it that rate?

17 My suggestion is that most landfills,
18 transfer stations, should have a scale and weigh all the
19 loads or if you don't weigh them all, you should have some
20 method to periodically weigh the smaller loads and
21 establish a real density.

22 That's basically all I had to say.

23 CHAIRMAN EATON: Thank you.

24 MS. WHITTLESEY: Good afternoon, now. Mary
25 Whittlesey again from San Luis Obispo.

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1 Let's not lose site of the federal
2 institutions issue. We do have an army base straddling
3 Monterey and San Luis Obispo County lines. They don't
4 report. They've been asked and asked and asked to report,
5 much less would they disaggregate it between the two
6 counties? That's a good guess. Not likely.

7 We have established a relationship where at
8 least now when they're bringing down 500 buildings on the
9 site, we're at least being able to work with them as to
10 how that deconstruction and demolition is going and where
11 the materials are going and how it is classified as waste.
12 We've made some in roads there, but we're still not
13 getting any data the materials go and how it gets
14 classified as waste.

15 It's being applied to us in our '97-'95
16 data. It wasn't applied to us in 1990 as a base year, so
17 again, we have inaccuracy apples to oranges problem.

18 The other thing is state agencies. We've
19 got Hearst Castle, one of the biggest tourist attractions
20 in the state. What programs do they have? Gee, they
21 don't have any money to do programs. We're sorry. And
22 stay away and don't bother us please. As well, we have a
23 prison, two state colleges and a state hospital. We're a
24 small county. That's a big impact. Keep it in mind.

25 Thank you.

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1 CHAIRMAN EATON: Thank you. All right.

2 Before we go to lunch.

3 MR. AARON: Curtis Aaron, City of Fontana.

4 I just want to echo some of those same
5 sentiments. We have three major state highways that run
6 through our city, school districts, so on and so forth.
7 We have some good working relationships with our school
8 districts. However, they're not obligated to report
9 tonnage to us. So those are some other issues that need
10 to be addressed. Sometimes we get stuck with that state
11 highway. Some of it is unincorporated, some of it is
12 within our jurisdiction. So it's a difficult way to find
13 out where that tonnage came from.

14 So those are some things we're trying to
15 work out with other agencies, but at this point in time,
16 no resolve has been made.

17 Thank you.

18 CHAIRMAN EATON: Thank you. Okay. That
19 completes the second panel. We're obviously running late,
20 so rather to get back on time, we as a Board have to go in
21 a closed session. If we could start up at 2:00, probably
22 we'll only be a half hour behind. Thank you very much for
23 your patience. We'll reconvene at 2:00 p.m.

24 (Lunch recess taken)

25 CHAIRMAN EATON: Welcome back, everyone.

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1 Members will be joining us shortly. They have some calls
2 to make, but we can proceed as a body.

3 Mr. Jones, any ex partes to report?

4 BOARD MEMBER JONES: Meet-and-greets with
5 Dave Alt and -- I don't know her name, but the consultant
6 with City of Norwalk, meet-and-greet with Patrick McCarron
7 and Paul Relis.

8 CHAIRMAN EATON: Welcome, Mr. Relis.

9 MR. RELIS: Thank you very much.

10 CHAIRMAN EATON: This morning I said a
11 brief hello to Jan Schneider and Laura Abrams, Mayor of
12 Orinda as well.

13 This afternoon, two panels, and then we'll
14 have the large public comment. The first panel, panel
15 three, is the allocation to jurisdictions.

16 Mr. Leary.

17 MR. LEARY: Thank you, Mr. Chairman.

18 Panel three is where we start to see I
19 think a little bit of redundancy in our efforts in trying
20 to distinguish between the issues for these various
21 panels.

22 We all understand that one of the major
23 issues in both the base year and (inaudible) disposal
24 reporting is accurate allocation of waste to
25 jurisdictions. Admittedly, a portion of this issue

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1 overlaps with what we've covered in the previous panels.
2 However, we'd like to focus the discussion of the
3 following issues with this panel -- A, the frequency of
4 surveys conducted at facilities to show an effect on
5 accuracy; B, the management of the waste recyclable stream
6 at the transfer stations/Material Recovery Facility
7 introduces further complexity than allocation of disposed
8 tons. These facilities often serve multiple jurisdictions
9 that may have differing amounts of recyclables, differing
10 collection programs, and differing contamination levels
11 and may commingle materials from different jurisdictions
12 leading to inaccuracies in allocations; C is the origin of
13 the waste is not determined at a facility and then the
14 tonnage is allocated to the host jurisdiction; and D, the
15 perception of haulers operating under franchise contracts
16 include an obligation to assist the jurisdiction in
17 getting the 50 percent may be misreporting the point of
18 origin at the facility.

19 So we've asked this panel to address again
20 four questions -- what methods or reporting techniques
21 have been used to successfully maintain accuracy and
22 allocation to jurisdictions of tonnage at MRFs and
23 transfer stations; B, what is an ideal frequency, if there
24 is one, of survey to resolve accuracy issues for all
25 jurisdictions; C, in many cases disposal reporting

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1 allocation is working well, what practices are working to
2 accurately allocate and report tons both by jurisdictions;
3 and D, what can be done to prevent those jurisdictions
4 from being burdened with inaccurate allocations.

5 We've again assembled a distinguished panel
6 starting with Mr. Patrick McCarron, who's here from the
7 City of Brea; Paul Relis, CR and R; Mr. Mark White,
8 consultant representing many jurisdictions, of his own
9 firm of Solid Waste Associates; Mr. Cary Kalscheuer, City
10 of Covina; and another pinch hitter, and we're very
11 appreciative of her coming to the table, Ms. Janet
12 Schneider from Central Contra Costa County Waste
13 Management Authority.

14 So maybe we'll start with Mr. McCarron from
15 the City of Brea.

16 CHAIRMAN EATON: Welcome.

17 MR. MC CARRON: Thank you. It's nice to be
18 here. My name is Pat McCarron. I'm the Director of
19 Maintenance Services for the City of Brea.

20 Brea is a community of 38,000 people in
21 Orange County. Our northernmost boundary is the south end
22 of Los Angeles County, and we're a host community to one
23 of the three open Orange County landfills.

24 In 1989, our community adopted a three-can
25 automated curbside collection program, first one in Orange

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1 County. Since that time, we've had participation rates in
2 excess of 97 percent. We were sailing along at a
3 41-percent diversion rate until 1997 where we went to 14.
4 When we went to 14, nothing had changed. Our programs
5 were the same. Our participation rates were the same.
6 The only thing that had changed was an L.A. County
7 landfill had closed.

8 I don't think surveying had much to do with
9 that problem, and until that problem can be rectified, I
10 don't know that frequency of surveys or length of surveys
11 or types of surveys is going to do much to solve that
12 problem.

13 In our last reporting period, the
14 three-month reporting period, we had a self haul tonnage
15 report that represented 40 percent of the tonnage that
16 went into the landfill from our community. That would
17 suggest that everybody is hauling a pound to the landfill
18 for every pound they put out at the street. We had
19 misreported tonnage and state agency tonnage of 3 percent.
20 We have a Caltrans yard in Brea and they clean up the
21 freeway. The freeway that goes through Brea represents
22 about a mile, and they clean up a lot more area than that,
23 but we're the ones that get dinged for the tonnage.

24 We had enough roofing material reported to
25 put a new roof on each house in Brea twice a year. So

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1 obviously the survey problem isn't one that we're too
2 concerned with, it's the reporting issue.

3 We do have several suggestions, and some of
4 them may be a little outlandish. One is close the
5 landfill to self haul completely. That would force
6 everything through a MRF, it would maximize the amount of
7 salvage that comes out of there, minimize the tonnage that
8 goes into the landfill, and save a lot of wear and tear on
9 our streets.

10 Only allow franchised haulers to report
11 from the agencies they are franchised to. There are some
12 haulers out there that are reporting tonnage from Brea
13 that don't do any work in Brea and never have done any
14 work in Brea. That needs to be squared away.

15 Make the state agencies responsible to
16 comply with AB 939. Even though we don't have a
17 university, we do have Caltrans yard and state facilities
18 in Brea, and they don't have to comply.

19 Finally, I think the most important thing
20 might be to quit counting. Quit counting and focus on
21 programs, focus on good faith efforts, and let the chips
22 fall where they may.

23 Thank you very much.

24 CHAIRMAN EATON: Thank you, Mr. McCarron.

25 Mr. Relis, welcome back.

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1 MR. RELIS: Thank you very much. I'm
2 afraid I don't have anything that illuminating to say. I
3 think the conundrum that I remember dealing with a number
4 of years ago is still with us and it is, I think, by
5 nature it's a conundrum, building on a fracture and it
6 keeps moving.

7 But having said that, I'd like to offer at
8 least a few insights seeing this from a specific company's
9 perspective, working with the jurisdictions that CR and R
10 does. First I'd like to support the work that Riverside
11 County has done because from our experience, the Riverside
12 system is a working system. It is very accurate for the
13 landfill reporting. It's a daily system. They log it.
14 It doesn't rely on the truck driver, which keeps coming up
15 in this discussion. And as I understand it, talking with
16 the representative from Riverside County, that we're now
17 working on a reporting system similar to what is going on
18 for the landfill now for the MRFs and transfer stations.
19 So that's really A and C.

20 So I would say the fact that there's daily
21 reporting, that the management is not at the driver level,
22 and the allocation is only between residential and
23 commercial. So it's somewhat simplified, and there's a
24 two-part weigh ticket with a code for the jurisdiction.
25 And again, a bit of a check and balance ongoing between

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1 what we report, and the County gets that out to the
2 cities.

3 Regarding survey frequency, I guess what
4 I'm getting back from the people in our organization is
5 they just don't believe that there is a magic survey
6 system. We do a survey on self haul on a
7 one-week-per-quarter basis to determine what we use as our
8 numbers for self haul. Do we think that's perfect? No.
9 It could be way off. It's reported in that case by the
10 driver, so we have no way to backtrack it and so it's what
11 it is.

12 Is there a better system? Well, the
13 gentleman from Mission Viejo raised the possibility of a
14 very sophisticated system that would take us into a
15 another whole management structure. Is it worth
16 investing? Certainty won't help us in our time frame. I
17 think that would be years in the making, but that's
18 probably -- if we're looking at getting to the ultimate
19 numbers counting, that would be the way to do it, use high
20 tech information systems, track it from the source and
21 have it go all the way through, but I don't know that the
22 problem before us warrants that.

23 I guess finally I would just like to say
24 that we don't have in our jurisdictions a problem in the
25 allocation, but it's the way we control our system in

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1 Riverside County because they're all cities that we serve
2 there and several -- and the major cities that we serve in
3 the Orange County area have their own reporting -- Newport
4 beach, Costa Mesa. So that hasn't been a problem for us,
5 and I don't have really any insight to offer you on that.

6 That completes my statement.

7 CHAIRMAN EATON: Thank you.

8 Before we go, Ms. Moulton-Patterson, any ex
9 partes to report?

10 BOARD MEMBER MOULTON-PATTERSON: No.

11 CHAIRMAN EATON: Mr. Pennington.

12 BOARD MEMBER PENNINGTON: No. I don't
13 believe I do, Mr. Chairman. Thank you.

14 CHAIRMAN EATON: Ms. Schneider, and I'm not
15 asking about ex parte communications.

16 (Laughter)

17 MS. SCHNEIDER: I want to thank the Board
18 for the opportunity to speak with you this afternoon, and
19 I thought I would take this time to share sort of a brief
20 story that brings forth some possible strategies to the
21 issues raised with an emphasis on allocation but touches
22 on really all the issues.

23 I should start by saying disposal reporting
24 along with franchise haul is not an issue. If you tell me
25 a truck number and the day of the week, I can tell you the

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1 allocation within the truck among the jurisdictions. I
2 can tell you if it's strictly from the town of Danville or
3 I can tell you if it's Danville unincorporated. I don't
4 need to know exactly street by street, but the truck
5 number and a day, and we get daily tonnage that is
6 weighed, and so franchise haul is not an issue in the
7 disposal reporting issue.

8 But where it is a problem is in self haul,
9 which you've heard, and the story that I want to tell you
10 is something that happened just recently. That is on
11 September 1st, Keller Canyon landfill owned by Allied in
12 Contra Costa County announced that they were going to stop
13 weighing self hauled trucks. They were going from using
14 their scales to going to cubic yards in order to reduce
15 the amount of truck waiting time at the scales. So
16 along -- we were certainly alarmed at this and basically
17 because of what we viewed as a decrease in the accuracy,
18 going from a weighted system to cubic yards and all the
19 problems that happen with that.

20 We do visual inspections instead of
21 weighing. There's negotiations going on over amount and
22 price between the driver and the scale master. It doesn't
23 allow for differentiation among the types of materials and
24 different trucks carry different amounts in their backs.

25 One thing that staff did is we started to

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1 research whether or not there were any requirements for
2 weighing because basically we viewed this as a really
3 regressive move, and we were, I guess, astounded to find
4 out, maybe naive I guess, that there were no requirements
5 for weighing at all. There was no statement requirements,
6 no franchise, no operating, no land use permit, nothing
7 that required the weighing.

8 So one strategy I would like to bring up,
9 may be bold and may be completely unpopular, is require
10 the use of scales at these facilities. Then given that
11 they were going to cubic yard, we wanted to find out how
12 cubic yard to tonnage was going to work. And again, I was
13 dismayed to find out that there's a lack of standard
14 conversion formula. Doing a brief survey in the Contra
15 Costa-Alameda County area, I found cubic yard to tonnage
16 conversion factors that range from 4 to 4.4 to 5 to 9.52
17 cubic yards per ton. I would like a 9.52 cubic yard per
18 ton at my facility, but unfortunately I'm stuck with 4
19 cubic yard per ton at my facility. That has a huge impact
20 on tonnage.

21 So second, in absence of weighing, there
22 should be one standard, statewide conversion factor going
23 from cubic yards to tonnage. I think that would go a long
24 way.

25 Well, we met with Allied over this issue

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1 and they were very cooperative. We understood their need
2 for operational issues to move trucks in quickly, but we
3 also wanted to talk about survey week and how that would
4 work. In order to kind of make us feel better, they
5 offered to record daily the amount of material coming in,
6 and because in survey week we get addresses, we get
7 specific street addresses with city of origin. You know
8 our response was great. You'll do it daily and get
9 addresses. So I'm thinking to myself oh, my God. How am
10 I going to check every single address every single day? I
11 don't have the staff power, but at least (inaudible) drive
12 from a point. They said no, no, no, Janet. You have a
13 choice. We can give you tonnage daily or we can continue
14 to do survey week and give you addresses.

15 Well, I guess the point I'm trying to drive
16 is we would rather do you survey week with all the
17 problems of surveying one week a quarter, but we want the
18 specific street addresses. And the reason we want that is
19 because that's the best way we know now to allocate among
20 jurisdictions.

21 So what happens is four weeks out of the
22 year, after each survey week, our JPA, which represents
23 six jurisdictions, gets all the self haul tonnage by
24 address allocated to us and we spend staff time and a
25 Thomas Guide and we go through and check every single

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1 address to make sure that when they said Danville, they
2 meant Danville and not the County. When they said Walnut
3 Creek, they meant Walnut Creek and not the County.

4 So we were checking between cities versus
5 cities and cities versus counties. To us, that was more
6 important than getting a daily record of tonnage because
7 address was really our only way to verify, and there's
8 even problems with that. Once we sent back the
9 information back to the county, they reconciled, and any
10 addresses which they can attribute to any jurisdiction,
11 they'll take it as the host jurisdiction.

12 It's not a perfect system, but right now in
13 absence of some written verification from a driver as to
14 where the origin of the waste is, either from the business
15 or the homeowner or something, addresses is the best thing
16 we can rely on.

17 One problem we discovered recently is if
18 somebody isn't a cash account, if they are an invoiced
19 account, the address that appears is a business account.
20 That's a problem, but that's easily rectified. Once we
21 started really looking into the problem, Allied's people
22 said no, we will get our scale masters to ask specifically
23 where the waste and the truck came from so the business
24 address is not what you're checking on.

25 Again, it's not a perfect system. There

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1 are things that need to be worked out. One thing I -- in
2 sort of talking about -- leaving addresses aside and sort
3 of look at the big picture, we did a waste
4 characterization study about a year and a half ago of who
5 is our self haulers. We keep saying self haulers keep
6 growing. And basically they're landscapers, contractors,
7 and households with bulky items. So another suggestion
8 for the Board is that there should be more funding for
9 programs that focus on landscapers, contractors, C&D, and
10 bulky item programs. We're participating in your L-MOP
11 program, and we're reaching landscapers and trying to
12 reduce self haul in that way, and I really congratulate
13 you in those efforts in recognizing at that.

14 Another issue that sort of comes up related
15 to the amount of information that we get and how important
16 it is to us, Keller Canyon -- and I only point that out
17 because that's the landfill closest to our jurisdictions.
18 We do get self haul reporting from other landfills, but
19 this is one of 13 and the best system that we now have of
20 the 13. We also get specific information on requests for
21 special waste. So we're able to -- if we have a question
22 about special waste, we get a name, we get a contact
23 person, we get an address, we get the phone number, and we
24 get the type of waste. And that way if it's something
25 suspect or a large amount of waste or a one-time

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1 occurrence, we're able to track that.

2 The problem -- and I know I'm getting into
3 panel four -- is from the other 12 jurisdictions we don't
4 get any information about special waste. For some
5 counties, we don't even get special waste separated, so
6 it's included in what they report to us and not separated
7 out at all. With some counties with get Class II waste,
8 and without further research we get a name and we get a
9 city and no phone number, no contact person, no
10 information to track the origin of that kind of waste.

11 So the more specific the transfer station,
12 the landfill, can be for us to provide a contact name or
13 an address or -- well, really contact name and phone
14 number, the better we're going to be able to find out
15 whether or not the allocation among jurisdictions or even
16 the allocation at all is correct.

17 Basically to summarize, some of the things
18 I'm suggesting are requiring scales, looking at a
19 statewide conversion formula from cubic yards to tons
20 where scales absolutely can't happen, to fund programs
21 that address self haul waste and who's generating the self
22 haul waste, to eliminate Class II in the Disposal
23 Reporting System -- and we're going to get into that, but
24 I just thought I would throw in my two cents that Class II
25 doesn't really belong here. It's not something in our

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1 base year and not something we have control over and not
2 something we have programs to do. And then some kind of
3 system that requires landfill operators and transfer
4 station operators to get addresses or some kind of written
5 verification of the origin of the waste in the trucks.

6 Thank you.

7 CHAIRMAN EATON: Thank you.

8 Mr. White.

9 MR. WHITE: The thing that -- well, let me
10 tell you first I represent three very, very different
11 communities. I work for the City of Concord that is an
12 average community and very close to Janet, actually; City
13 of Half Moon Bay, which I've talked to you about before
14 and which is way outside of average; and the City of
15 Capitola, which is actually coming in for a base year
16 adjustment because they've got too much diversion. So
17 we've got all kinds of things that we're looking at.

18 CHAIRMAN EATON: I think there's some
19 communities that would be willing to take some of that.

20 (Laughter)

21 CHAIRMAN EATON: Perhaps maybe some kind of
22 credit program exchange like air credits might be
23 appropriate.

24 MR. WHITE: With the consultant getting a
25 reasonable -- just a small little bit.

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1 CHAIRMAN EATON: That's what gives you a
2 bad name, when you get greedy.

3 (Laughter)

4 MR. WHITE: But what's common among all
5 three of these communities and it gets to the allocation
6 issue in question number -- well, one of your questions --

7 (Laughter)

8 MR. WHITE: With regard to how well it's
9 working in other areas is that where the system is set up
10 to provide a good deal of information, it seems to work
11 well. In the case of Half Moon Bay, for example, BFI only
12 recently started weighing our stuff coming into the MRF.
13 Previously they weighed all the stuff going out. We got
14 allocated an amount based on the number of accounts we
15 have. I have as much commercial recycling in the third
16 quarter of '99 as I had in the entire year of '98. And
17 when I extrapolate the residential recycling, it's
18 slightly less than it would be for that one quarter, four
19 times less. So I get a better sense of what my
20 residential is doing. My commercial, I'm very happy where
21 I was very unhappy before. I think it's highlighting to
22 me the extreme importance of understanding what it is
23 that's happening. In BFI's defense, they have to run
24 these trucks through their transfer station next door
25 twice. So they're putting a lot more load on their

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1 weighing facilities over there to get us the data to
2 enable us to do the programs.

3 So the importance of having an accurate
4 allocation I don't think in any way, shape or form can be
5 overstated. In the case of Capitola, similar situation.
6 The prior hauler aggregated all the materials from several
7 different cities and then disaggregated when he got at the
8 end, both for disposal and diversion. If they had those
9 numbers before they hired me, they wouldn't have hired me.
10 That's the numbers before they hired me. Since we changed
11 haulers and now he collects things in individual trucks
12 for the cities. So when it goes out of there, we know how
13 many tons we have for Capitola and the numbers are not too
14 bad. We still need some work, but it's not nearly as bad
15 as it was before.

16 The issues that come up that focus right on
17 what we're talking about is the self haul issue again, and
18 I don't want to repeat what other panels have said, but
19 you've got -- one of your questions is what's the way to
20 resolve survey accuracies for all jurisdictions. I don't
21 think it's possible to answer that for all jurisdictions
22 in this state.

23 We heard this morning about some extremely
24 sophisticated, I think very well operating systems down in
25 southern California. I would give my eye teeth for those

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1 kinds of systems. What we get from Allied out of Keller
2 is excellent and it's what we need for everybody. We get,
3 as Janet said, names, addresses and phone numbers. I
4 don't want it for all the self haul guys. We get
5 addresses now for all the self haul guys, all the way from
6 .05 tons to three or four tons. I don't care about those
7 guys. I care about the one ton and greater and I want all
8 the addresses from all the self haul guys one ton and
9 greater.

10 As far as a survey week goes, I heard a
11 fellow suggest to some of his clients one time that you
12 know what we've got to do? We've just got to get our big
13 self haulers not to go to the dump during the survey week.

14 To me, trying to do a week, particularly
15 for small communities like I have, it can skew your
16 results so fast and then you're looking at things that may
17 be three or four or five different self haulers that came
18 in there that were fairly small, and we don't get the data
19 until six months after. We have no way to go back and
20 check on those people to see if they were one-time events,
21 if there was something odd going on. If it's a big self
22 hauler, we check them. But if it isn't, we don't.

23 The other issue that we've come up against
24 is because of the different funding mechanisms for the
25 landfills and the different approvals for tip fees and

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1 such, if the County's running the contract for the
2 landfill, they may not want to suffer the penalty that
3 they get PR-wise by raising the tip fees slightly to put
4 more diversion programs in there. If most of our self
5 haul is going to a transfer station or a landfill that may
6 not have diversion programs for that self haul, we're
7 penalized because the Board of Supervisors doesn't want to
8 suffer the heat for raising a tip fee to allow those
9 facilities to go in there.

10 The same situation may exist -- and I'm not
11 suggesting in any of the counties that I work in that it
12 does exist, but it could exist -- where people are
13 concerned that waste doesn't get allocated to the County
14 and gets allocated to one of the cities, and it's all
15 controlled by the County and so, therefore, we have a neat
16 little system.

17 One of the suggestions that I was asked to
18 relay to you is perhaps the Waste Board should go out and
19 do a little bit of audit of these programs every now and
20 again of the DRS surveys. Audit at the gate and audit at
21 the County massaging the data, and let's see just how that
22 whole system works.

23 The one thing I really heard this morning,
24 which kind of scared me a little bit, is to enhance the
25 level of bureaucracy in this. I wasn't sure whether I had

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1 big brother with me in my pocket or IRS in my other
2 pocket, but that's the kind of situation I feel very
3 strongly about. This stuff is very important to us.
4 Self haul ranges in most of my
5 jurisdictions from 20 to 40 percent, and it's a big deal.
6 And in a small jurisdiction, it's a heck of a thing to try
7 to get control of. Big jurisdictions work with other
8 sectors and maybe overcome it, but at the risk of losing
9 out on some things, I don't think we can go out and try to
10 control self haul all the way down. I do think it's
11 reasonable to get an idea of what self haul is at a ton
12 per load and greater. I really think we ought to know the
13 data at a ton per load and I would much rather have
14 continuous data than I would that week.
15 The week, in spite of all the statistics
16 that show statewide one week survey in a quarter is
17 adequate to reflect on what that whole quarter is, and I'm
18 sure for the state it is, but go ahead and try to compare
19 daily -- for example, I've been recently been comparing
20 some daily disposal numbers. You do it over a bunch of
21 days and compare Monday to the next Monday, and you think
22 my God. What did these people eat. There's no
23 relationship. You do it over a week, the number is
24 getting a little narrower. It becomes more reasonable.
25 You look at a week's disposal system out of a 13-week

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1 period statewide and the error is going to be very small.
2 And in City of Half Moon Bay's area or Capitola, boy, that
3 small error is going to kill us. So I would like to see a
4 continuous record keeping, but only for those one ton
5 guys. You can lump all those less than one ton. I don't
6 care about those, but I really would like to see the one
7 ton.

8 CHAIRMAN EATON: Thank you.

9 Cary Kalscheuer.

10 MR. KALSCHEUER: Thank you. Next week is
11 Thanksgiving. I wonder if that's a survey week. I really
12 am a little bit --

13 CHAIRMAN EATON: It's the following Monday,
14 I'm told.

15 MR. KALSCHEUER: Probably right. I'm a
16 little bit concerned just about the overwhelming nature of
17 this discussion. I feel that what I've heard today has
18 pretty much confirmed my belief that this allocation
19 system is not working. It hasn't worked. It's not going
20 to work is my conclusion. And I come here somewhat
21 conflicted. I disclosed my position on this before I came
22 up here and agreed to be on the panel, but from what I've
23 heard today, you've got Waste Management saying there will
24 always be quality of data problems so long as there are
25 drivers reporting data.

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1 I think this has proved itself in our
2 situation in Covina. Covina is located about 20 miles
3 from L.A., seven square miles, population 47,000. The
4 commercial residential waste is split 50-50 approximately.
5 Our diversion rate has been above 25 percent.

6 We have an exclusive franchise for both
7 residential and commercial. 1996, about 80,000 tons were
8 reported through the Disposal Reporting System, and we
9 have a contract provision that requires our contractor to
10 only collect waste in Covina while they're collecting
11 trash in the city and not go to any other jurisdictions.
12 We're confident in our exclusive franchise disposal
13 reports.

14 However, the total tonnage when you compare
15 it with the Disposal Reporting System, they're hauling out
16 only 53 percent of the total waste. 9 percent we
17 attribute to the school district waste. 38 percent is
18 attributed to cash customers and self haulers, and
19 independent contractors.

20 So we have, in my view, a problem in
21 tracking this waste back to these independent contractors,
22 verifying that they're from the city of Covina. In the
23 case of cash customers which hasn't really been discussed,
24 there is no audit trail. We have no idea whether that
25 information is accurate or not. We accept it because

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1 there is no way for us to go back and prove otherwise.

2 In conducting a survey December 1998, all
3 cities in L.A. County, I asked them if they felt the
4 reporting system provided accurate data. 74 percent of
5 L.A. County cities said that the Disposal Reporting System
6 does not provide accurate data. I have verified this
7 through audits of our own waste stream similar to San
8 Ramon. I can tell you with confidence that the error is
9 between 10 and 20 percent. I do not think that margin of
10 error -- and this has been discussed before -- is an
11 adequate basis for determining whether a city should be
12 fined of up to \$10,000 a day.

13 I have not heard really anything that will
14 convince me the system is going to work. We have heard
15 from city after city, panelist after panelist today that
16 this system is not working, and consequently my conclusion
17 is this is not the basis for environmental mandate.

18 I think that the Board should rethink how
19 it approaches this particular mandate. This would be my
20 one recommendation, and that you consider having your
21 staff do research on other mandates.

22 I was hired by the City of Covina in 1990.
23 I was asked to do environmental compliance. There's a
24 number of other mandates you could look to as models. We
25 have storm water prevention pollution mandate. There's

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1 the congestion management program. We've got air quality
2 activities. There's a number of things you should look
3 at, I think. And I think if you take a more programatic
4 approach to this that we can begin to focus our time and
5 resources on implementing programs.

6 This event today is taking time away from
7 my efforts to get some commercial recycling going. We've
8 got a workshop tomorrow in Covina. Our city is offering a
9 grant program to businesses to allow purchase of equipment
10 to separate recyclables. I would much rather spend my
11 time implementing programs rather than this bean counting
12 exercise, as it's been characterized.

13 I can go through these questions that we've
14 been asked, but I think the fact that we are being asked
15 these questions -- I wasn't privy to the preparation of
16 these questions. For instance, the one question C, letter
17 C, it says in many cases disposal reporting allocation is
18 working well. Well, I don't agree with that. I don't
19 think we're communicating. This is a good workshop. We
20 are now starting a dialogue, but I think overwhelmingly in
21 my view you've heard that this system is not working. And
22 I admire my colleagues for coming up with ideas to try to
23 make this thing work, but I'm a little reluctant to think
24 it's going to work.

25 I'll conclude with one little story. I do

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1 compost workshops on the side for the City. I work with
2 volunteers and we promote and come to a compost workshop.
3 Spend an hour on a workshop, you get a free compost bin.
4 Invariably I will get a county resident that will come to
5 these workshops. They're not eligible to receive a free
6 compost bin paid for by Covina residents. I will
7 invariably get three or four county residents and they
8 will emphatically argue that I am a Covina resident.

9 If you cannot -- if that's the level of
10 understanding in terms of where people reside at, I don't
11 see how you're going to solve this problem with
12 independent contractors being able to tell you where they
13 are hauling waste from. These people will go home and get
14 identification and bring it back to the workshop to get a
15 free compost bin saying see this? I am actually a Covina
16 resident. I have to show them the address is in fact in a
17 county unincorporated area.

18 I think that really illustrates our
19 problem. People do not know where they're coming from,
20 and that in essence is our problem. This whole mandate,
21 50 percent, the allocation is based on our ability to
22 count and reach this 50-percent goal. Let's face it. We
23 can't count. We just can't count. How can you get us to
24 the 50 percent goal? It doesn't make sense to me.

25 CHAIRMAN EATON: Thank you.

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1 Members.

2 BOARD MEMBER JONES: I have a couple of
3 questions.

4 CHAIRMAN EATON: Mr. Jones.

5 BOARD MEMBER JONES: Might as well start
6 with Covina.

7 (Laughter)

8 BOARD MEMBER JONES: If in fact the numbers
9 show 38 percent is self hauled, do you have any reason to
10 believe that that's not true? Are you sure it's true or
11 not true?

12 MR. KALSCHEUER: I think it approximates
13 that level of activity. I can tell you that our waste
14 hauler, franchised hauler, does not believe it's true.
15 And this is an interesting point, you being from a hauling
16 background. They have come in and guaranteed that they
17 will accomplish a 50-percent diversion goal in their
18 contract cities, referring to half the services in some
19 cases. I honestly do not believe they understand what
20 that statement means. They do not have a full concept of
21 what the total tons are, in fact, when using this Disposal
22 Reporting System. So they're making guarantees of 50
23 percent, but they don't even control 50 percent of the
24 waste stream in some cases in jurisdictions.

25 BOARD MEMBER JONES: So then that sounds

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1 to me like you believe that 38 percent of the waste that's
2 going to these landfills truly is from Covina as self
3 hauled waste.

4 MR. KALSCHEUER: I have audited with regard
5 to the contractors and looked at the self haulers, and I
6 don't have any basis for disputing that.

7 BOARD MEMBER JONES: So I guess it gets to
8 the heart of the question, is that there's an exclusive
9 franchise for residential and exclusive franchise for
10 commercial.

11 MR. KALSCHEUER: One franchise for both.

12 BOARD MEMBER JONES: Say it again.

13 MR. KALSCHEUER: One franchise for both.

14 BOARD MEMBER JONES: I wasn't sure what
15 your arrangement was. So you have a franchise that takes
16 care of all that stuff and it's going through the Athens
17 Material Recovery Facility.

18 MR. KALSCHEUER: No. We were using that in
19 the past. We discontinued use. It just was not a
20 cost-effective option in our view to divert waste.

21 BOARD MEMBER JONES: Okay. So how -- if
22 the numbers don't work, but you're pretty sure 38 percent
23 is going directly from the generator to the landfill, and
24 the exclusive hauler -- you've suspended the programs that
25 the exclusive hauler was providing to divert waste, then

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1 exactly how is the City prepared to meet not only the good
2 faith effort part of AB 939, but -- forget the number, the
3 good faith effort. How is that accomplished? Now you
4 lost me --

5 MR. KALSCHEUER: We are implementing --

6 BOARD MEMBER JONES: -- because I really
7 thought when you said Athens is part of it.

8 MR. KALSCHEUER: We are implementing
9 programs. Don't get me wrong. We have a curbside
10 residential program for recyclables and green waste.
11 We're currently incinerating now about 10,000 tons a year.
12 We have the compost program. We have done outreach to our
13 business community, and we have independent recycling
14 contractors now serving a number of businesses in Covina.
15 And it's mainly those efforts that we're above the 25 or
16 probably approaching around 40 percent, but we're now
17 starting to gear up to target other waste streams like the
18 restaurant waste, other organics.

19 BOARD MEMBER JONES: Because I think that
20 if 38 percent is going directly -- and I don't know what
21 that waste stream is. I don't know if it's C&D, if it's
22 green waste. I don't know what that waste stream looks
23 like. It sounds to me if you have haulers, exclusive
24 franchises, then that takes care of an awful lot of the
25 waste stream. These seem specialized.

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1 Does Covina do anything when somebody pulls
2 a permit to tear down a building? Are there conditions
3 assigned to that.

4 MR. KALSCHEUER: We have a similar
5 situation that Newport Beach apparently has. We have a
6 permit condition on demo contracts. They're required to
7 divert as much waste as possible and then report the
8 tonnage of diversion back and the amount
9 disposed.

10 BOARD MEMBER JONES: So some of this 38
11 percent then --

12 MR. KALSCHEUER: Oh, yeah.

13 BOARD MEMBER JONES: -- is the residual of
14 that.

15 MR. KALSCHEUER: When I'm talking about
16 diversion rates, I'm talking about generation, including
17 generation figures there, which includes diversion --
18 disposal plus diversion.

19 BOARD MEMBER JONES: All right. And then
20 to Central Contra Costa County, when do you your survey
21 weeks and you have the addresses, do you do that
22 comparison -- have you ever gone back and looked at the
23 percentages, you know, first quarter '97 versus first
24 quarter '98, to see what fluctuations are in that survey
25 week or maybe -- I don't know.

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1 MS. SCHNEIDER: You mean --

2 BOARD MEMBER JONES: To get trends from
3 year to year, quarter to quarter, comparing quarters on a
4 yearly basis and see what kind of trend is happening based
5 on those surveys?

6 MS. SCHNEIDER: Yeah. We've been -- we
7 track self haul both quarterly and annually. We've been
8 constantly comparing it to our baseline and that kind of
9 thing, seeing if it's going up and if it's changing from
10 quarter to quarter. Yes, we do that.

11 CHAIRMAN EATON: Anyone else? Okay.

12 Public comment. Mr. White.

13 MR. WHITE: I don't know, Mr. Jones. I had
14 a different spin on his question than Janet had. We also
15 in Concord compare the results, in essence the same data
16 she gets, to city addresses but we do it electronically we
17 do a comparison. And we've noticed the errors ranging
18 from 7 percent up to about 25 percent error rate on any
19 one quarter.

20 MS. SCHNEIDER: Initially -- if that's what
21 you're asking -- when we initially get the addresses for
22 all of Walnut Creek, there's about a 20 to 25 percent
23 error in what's allocated to a jurisdiction and what we
24 turn into the County and say no, not Walnut Creek. No,
25 not Concord. And this is up to the County to collect all

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1 this information from all the different cities and then
2 reconcile it based on information they get back.

3 BOARD MEMBER JONES: So after the errors
4 are history and you feel like it's reasonable data or it's
5 been assigned reasonably, then I was thinking about the
6 comparison quarter to quarter because refuse obviously is
7 cyclical. It depends on the season. And going from year
8 to year gives you an idea of growth and also gives you an
9 idea of how people are changing as far as their hauling
10 methods.

11 MS. SCHNEIDER: We turn these in our with
12 our annual report. I don't know if you can see it, but
13 this is how each facility -- this is each facility.
14 There's like 13 that report to us. This is the County.
15 This is the disposal site. First, second and third
16 quarter as it comes in, and here's totals. And we look at
17 our franchise haul here and this is our self haul, and we
18 have this for every single year in every single
19 jurisdiction.

20 BOARD MEMBER JONES: All right. Beautiful.
21 Thanks.

22 CHAIRMAN EATON: Public comment?

23 BOARD MEMBER PENNINGTON: Mr. Chairman.

24 CHAIRMAN EATON: Mr. Pennington. I'm
25 sorry.

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1 BOARD MEMBER PENNINGTON: It's all right.
2 I was a little tardy in getting here and I just wanted to
3 thank them for coming and offering their knowledge to us,
4 and particularly that it's nice to see our former
5 colleague, Paul Relis.

6 MR. RELIS: Thank you very much. I wish I
7 had a -- what you're facing, it really -- it's tough. It
8 just doesn't weigh. And if I could just add, that's why I
9 feel at least a squaring of numbers with -- if the need is
10 to have some numerical base, I understand that fully, but
11 the programatic aspect, I just hope you will continue to
12 emphasize that in the procurement and the things that
13 really drive this system because that's what I believe 939
14 was all about, and ultimately it's, I think, what the
15 public bought into.

16 CHAIRMAN EATON: We recognize that in a lot
17 of ways we're swimming up stream in a certain instance
18 because any time -- and all of you have been involved in
19 public policy. It's much easier to tear something apart
20 than build something, and it's always easier to put
21 something out there and let everyone chew on it. But if
22 you're the one given the task to build it, then you have
23 to accept some of the things that go along with it. We
24 are not bean counters, although I think that's come around
25 the last nine or 12 months there and we accept it, but

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1 there's -- the legislature has said there's got to be some
2 measurement. Programs is what creates the numbers, so
3 somehow we've got to get a better connection by doing the
4 programs and how that results in being quantified, whether
5 that be through numbers or something.

6 I don't believe just a simple "here's a
7 menu of ten programs you can implement and therefore
8 you've met it" is not really keeping either. The one
9 positive thing out of today, because it's public comment,
10 is that no one said we should get rid of AB 939 as a
11 system and that perhaps it is a good place to start.

12 I'll turn it over to public comment and
13 reserve my time after Mr. Mohajer this afternoon.

14 (Laughter)

15 CHAIRMAN EATON: Sir.

16 MR. DELANEY: Hi. I'm Joe Delaney from the
17 City of Santa and I've dealt with a few of the Board
18 Members in a tour of our city, and I'm actually here today
19 also representing besides the City of Santa Monica, the
20 West Side City's Waste Management Committee which
21 comprised originally the cities of Beverly Hills, Culver
22 City, West Hollywood, Santa Monica and L.A., but we also
23 work with Long Beach and some of the other beach cities
24 like Manhattan Beach on projects.

25 Having spoken with them and attended

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1 meetings, and even us as those smaller group of cities not
2 agreeing on some of the issues or solutions to the issues
3 around the Disposal Reporting System, I thought I would
4 share with you some of the concerns that they have.
5 Rather than beat a dead horse, I think a lot of people
6 have heard the Disposal Reporting System in relying on a
7 driver driving across the scales and telling you where the
8 waste has come from isn't a great system. In the County
9 of Los Angeles, I believe it's even a tougher sell and you
10 have problems with greater magnitude. These 88 cities in
11 Los Angeles County are welded together. Their
12 jurisdictional lines are right next to each other, and
13 waste haulers will cross the boundaries, sometimes several
14 times within one route.

15 L.A. is also, if you've ever looked at it
16 on a map, it's kind of like a big paint blob. It's thrown
17 down there and spread all over the place, creates a lot of
18 little fingers with little cities in between them. So it
19 makes it very difficult for the person who's driving the
20 truck and collecting to really know what they've gone from
21 one city to the next, unless they're really careful about
22 the colors of the street signs. Other than that, there's
23 no discernible difference between them.

24 In addition to all of those problems,
25 there's one other problem that hasn't been mentioned today

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1 and I do want to bring it up. It's the problem that our
2 Disposal Reporting System is flawed. And again, Los
3 Angeles County, because there's an economic incentive
4 there for private haulers to misreport wastes and say that
5 they're from another jurisdiction because certain
6 landfills in the area have jurisdictional restrictions.
7 For example, Puente Hills doesn't take waste from L.A.
8 Some say it's from an agreement between L.A. and the San
9 Districts. Some say it stems from a disagreement. Either
10 way, L.A. waste isn't supposed to go into Puente Hills.

11 Another one, Glendale's landfill. Only
12 seven of the 88 cities in Los Angeles are allowed to use
13 that facility. If you're really close to that facility
14 and you're hauling some waste from Glendale, some from
15 Pasadena, some from Eagle Rock, which is L.A., you'll
16 bring it in there and you'll actually say one or two of
17 the cities you went through.

18 In Puente Hills it gets to be a real
19 problem, and sometimes pictures are worth a thousand
20 words. So I'll just -- this is actually a picture, trucks
21 waiting to go in line. As you can see, many of them don't
22 have any city's names on them, so they just actually go
23 through and they have to say as they cross the scales.
24 Now, if you were a hauler in that same line trying to
25 figure out boy, it's reporting day and I've got to give a

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1 city's name. And I'd better not give the wrong city. If
2 I give the wrong city, I've got to turn around and take
3 this stuff someplace else. What are you going to pick?
4 How about the city of the old waste management. Do we
5 know that city? How about the city of the new waste
6 management?

7 (Laughter)

8 MR. DELANEY: How about the city of
9 Serv-Wel? Do any of those work for you? No. Maybe the
10 City of Santa Monica would or maybe the City of Culver
11 City or maybe the City of Beverly Hills. All three cities
12 that I represent today, we have transfer stations and haul
13 to this landfill. All three cities put their city's name
14 like a billboard on the side of the truck, and probably my
15 city is the worst with really big signs with environmental
16 messages on it.

17 It's an interesting story because there's a
18 private transfer station in the City of Santa Monica that
19 paints their trucks the same color as mine and writes
20 "Santa Monica recycles" on it, although it's not the name
21 of their company, and they were going to the same
22 facility.

23 (Laughter)

24 MR. DELANEY: It's no wonder that my
25 tonnage numbers are a little out of whack, but I'm working

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1 with that hauler on that issue and he's working with me
2 and I appreciate it. I found that probably there's a
3 little bit more accomplished by working with him
4 individually because Bill George and the county staff,
5 county landfill staff actually did a sort. They barred
6 them from the landfill at one point. And gee, next
7 quarter, he was back again. His time ran out on being
8 barred and it's a matter of whether or not they're going
9 to sort the load again.

10 And the reality is they use staff to sort
11 loads to check whether or not loads are from L.A., the
12 same staff that is used to check for hazardous waste.
13 It's going to be no problem to figure out what the higher
14 priority is there.

15 It's these kinds of things that create an
16 economic incentive for the haulers to actually have to
17 misreport as they go over the scales. You can make a lot
18 of changes and have them report daily or weekly, or you
19 can have them give you manifests or whatever, but the
20 bottom line is if it comes down to making a buck and
21 keeping in business over some of the toughest competition
22 out there, they're probably going to still misreport.

23 So it comes to the last part and it's
24 practical, realistic solutions. I've thought hard and
25 long about this and I've come to some kind of different

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1 ideas. One of the conclusions I've made, and it's more my
2 personal thing in each city that I work with, we debate
3 this issue, is do we need to throw more money out there to
4 make bad numbers better. That may not be the best
5 solution. We've also kind of concluded that regardless of
6 what you do to the system, there's still going to be some
7 misreporting out there.

8 So one of the things I would really urge
9 the Board to look at is if you're going to make changes to
10 the Disposal Reporting System, look at the cost impact on
11 it. There's definitely a cost if the landfills are doing
12 more accounting or cities are doing more accounting or
13 counties are. There's a cost impact and it's going to be
14 pushed back on us. I'm not saying don't make any changes,
15 but if we're going to make some changes, let's try to make
16 sure they're cost-effective ones.

17 The other thing is that you need to
18 recognize some of these problems. One of my issues as
19 I've been talking to Board staff and telling them these
20 same stories, and the answer I get back is that's a local
21 issue. We're one city, small in size compared to the
22 other cities around us, and no control over things like
23 the landfills and some of the things that would go on like
24 misreporting. So it's not really a local issue, not one
25 that we can actually control without putting a lot of

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1 money out there.

2 One of the things I've said is if I go out
3 there and do this letter campaign and prove to you that
4 these little haulers, not the big ones -- we can work with
5 the big ones through permits and things -- but some of the
6 little haulers, self haulers, they didn't really prove to
7 us that they collected this waste from our city. We went
8 back to them. They're out business. They said we don't
9 know what account it was. It was a roofing job two or
10 three months ago. Can we actually somehow say then that
11 there is a problem here when they can't tell us where this
12 was done, and the answer was no. You've got to prove not
13 only that the tonnage didn't come from your city, but you
14 have to prove which city it came from so the tonnage can
15 be reallocated, and I can't see going to route.

16 It's futile with all the hundreds of actual
17 businesses my staff would have to go after to try and sort
18 through the mess to come up with some of the, you know,
19 the problems. But when you add up all those hundred
20 little haulers together, self hauls and things like that,
21 during that reporting period and put it over the course of
22 13 weeks, it makes a difference. It really does, and that
23 would be all I would really ask for.

24 CHAIRMAN EATON: Thank you, Mr. Delaney.

25 Thank you, panel. Now we're saving the

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1 best for last.

2 (Laughter)

3 CHAIRMAN EATON: Special waste. And I'm
4 sure I'm going to see you all again very shortly. Just
5 give us a couple of seconds to switch panels, we'll get
6 into it. Thank you.

7 Our last panel of the day is a very special
8 panel of special waste. Am I seeing double or did it just
9 multiply the number of people? Special waste. All right.

10 Lorraine VanKekerix will kind of give us an
11 introduction. Ms. VanKekerix.

12 MS. VAN KEKERIX: The special waste panel
13 today is going to be addressing problems regarding
14 non-municipal solid wastes that have arisen since the 1990
15 base year.

16 Jurisdictions may or may not have included
17 Class II waste as they are defined by the Regional Water
18 Quality Control Boards. In their base year, they may or
19 may not have included C&D waste and/or inert waste in
20 their planning documents or base year calculations. Not
21 including these waste types in the base year but including
22 them in the disposal reporting for current year can cause
23 significant drops in diversion rates.

24 Waste derived alternate daily cover is also
25 included in this discussion because tracking of amounts of

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1 ADC remains a problem in some settings. ADC is diversion,
2 but we put it in with this group since it is a special
3 category and we have heard that there are problems.

4 The kinds of questions that we have asked
5 the panelists to focus on are how are facilities which
6 receive Class II waste reporting it in the Disposal
7 Reporting System, and are there successful methods for
8 reporting Class II wastes; what are methods employed to
9 allocate special waste at facilities tracking the disposal
10 of special waste separately from MSW; what methods are
11 currently successful in tracking types and tons of
12 material used as alternative daily cover; and finally, are
13 there diversion alternatives to disposal for the special
14 waste types.

15 We have a very large panel because there's
16 considerable interest in this topic. We have Tom Horton
17 with San Joaquine County; Rick Best with Californians
18 Against Waste; Catherine McCarthy with Solano County; Jeff
19 Rawles with Marin County; Michelle Leonard with SCS
20 Engineers; Mike Mohajer with Los Angeles County --

21 CHAIRMAN EATON: Laura Wright.

22 MS. VAN KEKERIX: I can't see her name tag.
23 Laura Wright from the City of Pittsburg; and Norm
24 Christensen with Allied and Contra Costa County.

25 CHAIRMAN EATON: Mr. Horton.

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1 Fortitude is the father of special waste
2 around the Waste Board.

3 (Laughter)

4 CHAIRMAN EATON: You're presence far
5 exceeds your jurisdictional boundary.

6 (Laughter)

7 MR. HORTON: Thank you. Mr. Chair, Members
8 of the Board, first I want to thank you for giving us this
9 forum to bring our special issues before the Board in open
10 discussion and we really appreciate that.

11 AB 939 was established to create a
12 partnership with the state and local jurisdictions, and in
13 order for that type of partnership to work, we need more
14 forums like this. So we thank you.

15 Quite often over the years Class II waste
16 has been referred to as San Joaquine County's problem, and
17 it's really not San Joaquine's County's problem. We
18 happen to have a Class II facility in our jurisdiction
19 that's privately owned and operated. However, there are
20 17 Class II landfills throughout state, so it's really a
21 statewide problem.

22 Just to give you a little historical
23 perspective, quite a few of those in the room today were
24 around back in the '80s involved in waste management, and
25 in 1987, Delane Easton, Assemblywoman Easton, authored a

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1 bill, AB 2448, and that created the Solid Waste Disposal
2 Site Hazardous Reduction Materials Landfill Act.

3 When that bill was being proposed, many of
4 us who operated municipal solid waste landfills were
5 concerned because that bill would have put a surcharge on
6 municipal solid waste landfills to take care of cleanup of
7 landfills throughout the state where there is no
8 responsible party. We were somewhat concerned that we
9 might be on the look for clean up the hazardous waste or
10 semi-hazardous waste landfills, and we didn't think that
11 should fall on the municipal solid waste landfill's
12 shoulders. Delane Easton agreed with that and she amended
13 her bill to include a definition. And reading from her
14 bill that was proposed then, Section 46027, "Solid waste
15 landfill means a disposal facility that accepts solid
16 waste and which meets the requirements of a Class III
17 landfill pursuant to Sections 2533, 2541 of Title 23 of
18 the California Code of regulations." This amendment was
19 specifically put in her bill to limit that Act to
20 municipal solid waste landfills handling Class III waste.

21 Then we move forward a couple of years to
22 AB 939 and the framers of 939 looked for a definition of
23 landfills as it would pertain to 939, and now I'm
24 reading -- and incidentally I'm reading from the
25 California Integrated Waste Management statutes of 1993.

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1 So this is the legislation as it appeared at that time.

2 Section 40121 says, "Disposal facility or
3 facility means any facility or location where disposal of
4 solid waste occurs." Then the next section, 40122,
5 "Disposal site or site includes the place, location, track
6 of land, area or premise in use intended to be used or
7 which has been used for the landfill disposal of solid
8 waste." Then it says a disposal site includes solid waste
9 landfill as defined in Section 46027. That's the section
10 I just read that Delane Easton had put in her bill that
11 limited landfills to Class III solid waste facilities.

12 When we prepared our waste characterization
13 studies in 1990, many of the jurisdictions prepared their
14 studies with Class III landfills in mind. We did our base
15 year computations. We then submitted those waste
16 characterizations to the Board and the Board approved
17 those. We submitted -- we prepared source reduction and
18 recycling elements which identified the strategies that we
19 would develop for diverting waste to meet the 25 and 50
20 percent disposal goals -- or diversion goals. Those
21 source reduction recycling elements were submitted to the
22 Board and were approved.

23 In 1993, the statutes that I just read
24 from, it continued to talk about limiting disposal site to
25 Class III waste. Then in '93, something strange occurred,

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1 not necessarily strange, but there was some economic
2 problems, and the state raided that disposal fund that was
3 set up by Delane Easton in AB 2848. That prompted
4 Assemblywoman Easton to then write a bill that would
5 repeal the AB 2448. That was successful. It was adopted
6 and codified and eliminated the definition of Class III
7 waste. However, the section that dealt with AB 939
8 continued to reference that deleted or repealed section
9 all the way up through 1997.

10 In the meantime, many of us who have
11 received Class II wastes -- or many of us who have had
12 Class II landfills located within our jurisdictions did
13 not report the Class II waste because we felt that the
14 limiting definition still referred to Class III
15 facilities, even though that portion of the law had been
16 repealed. San Joaquine County, along with several other
17 agencies, have been working with the Waste Board and Waste
18 Board staff from 1995 through present to try and find some
19 type of a solution to this problem.

20 When the definition was repealed, we were
21 informed by Board staff that we needed to now include
22 Class II waste with our waste diversion numbers, and what
23 that does is it creates a hardship and an inequity and an
24 unfairness with those jurisdictions that acted in good
25 faith, developed their SRREs, spent the millions of

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1 dollars necessary to build those infrastructures to divert
2 the Class III waste. Now all of a sudden we also have to
3 divert Class II waste.

4 Class II waste include asbestos,
5 (inaudible)-type asbestos. The only known method of
6 dealing with that is sanitary landfilling. It also
7 includes contaminated soils, which there are some ways of
8 diverting the contaminated soils and those methods have
9 been very successful. It also includes construction and
10 demolition waste that is contaminated with asbestos or
11 lead-based paints, which the only known method of
12 adequately dealing with that is sanitary landfilling.
13 They're not wastes that could be readily diverted. There
14 are drilling sludges, which once again sanitary
15 landfilling is the means of disposal.
16 Creosote-contaminated wood and wood that's been otherwise
17 treated as well, the only known way of dealing with that
18 is sanitary landfills.

19 So we have found that by allocating Class
20 II waste with the Class III, that many jurisdictions are
21 now facing extreme changes in diversion numbers. Some
22 jurisdictions have not had as much of a change as others.
23 However, our experience is only with one Class II landfill
24 and that's Forward Incorporated. And it's actually been
25 there -- as I said, there's 17 Class II landfills. So

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1 this is really a statewide problem.

2 We submitted a report recently and then the
3 Waste Board staff worked on that report and sent out also
4 recently allocations to the various jurisdictions and at
5 the Forward Incorporated landfill in 1977 and 1978, there
6 were about 156 jurisdictions involved statewide and some
7 of them received diversion changes that were negligible
8 and others went from very high positive numbers to
9 negative numbers. So some were obviously more impacted
10 than others.

11 During the last four years, we've been
12 working with Waste Board staff to try to come up with some
13 type of an administrative fix, and to date we've really
14 not been very successful in finding administrative fixes
15 and we have started to work on a legislative fix. And
16 most recently we've submitted to the Waste Board and staff
17 some proposed language for a legislative fix and we are
18 proceeding with trying to find a legislator that would
19 carry that language forward.

20 We would also invite the Waste Board staff
21 to work with us to make the language meaningful and
22 something that is workable for the Board and for your
23 staff so that we're not out there going against each
24 other. There has been a tremendous, just a tremendous
25 amount of support that's been registered for changing

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1 things back to the way they were, and we're not asking for
2 anything new or anything different, but just to be put
3 back onto the same playing field that we were in when we
4 developed our infrastructure.

5 As far as the questions for the panel, I
6 think I discussed Item D. I can't really speak for other
7 Class II landfills except that as far as Forward
8 Incorporated is concerned, they check every load that
9 comes into the site. They have a sophisticated computer
10 program where they keep track of the various types of
11 waste and the source of that waste, and they then generate
12 a printout that lists both the jurisdictions where the
13 waste came from and also the types of material that
14 arrived at the site.

15 Most Class II landfills charge varying
16 prices for designated waste, and the reason waste is
17 designated to begin with is because it requires special
18 handling, and quite often that special handling varies by
19 different type of material. So it's usually in the best
20 interest of Class II landfills to keep track of those
21 different types of the waste stream because they charge
22 different prices for that.

23 In that tracking system they also track the
24 Class III waste that comes to the site. And once again,
25 they track it because it has a different price for that

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1 type of waste. So they are able to give us a printout
2 that's very accurate as far as quantities and types and
3 sources to the extent that they were accurately reported
4 to the scale house attendant. As you heard me say
5 earlier, the scale house attendant has to be recording the
6 information accurately.

7 Basically that's the way we see the Class
8 II issue. And once again, we would like to work with the
9 Waste Board and staff to develop legislation that we all
10 can live with.

11 CHAIRMAN EATON: Thank you.

12 Mr. Best.

13 MR. BEST: Thank you, Mr. Chairman and
14 Board Members. Rick Best with Californians Against Waste.
15 We're not one that works day-to-day in terms of nuts and
16 bolts. I think a lot of the folks that have spoken today
17 and are going to be speaking on the remainder on the panel
18 can speak a lot to the nitty gritty as to how the numbers
19 are collected and allocated and addressed, but I would
20 like to focus more broadly on kind of what we see as the
21 role of the disposal system and how it's impacting AB 939
22 compliance.

23 I think as Mr. Eaton kind of outlined at
24 the end of the last panel, I think it's important to
25 consider that the Board responsibilities in terms of AB

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1 939 is looking at a combination of the numbers and the
2 programatic issues, and I think the problems that we're
3 having in terms of identifying some of the number
4 situations really points out that I think there needs to
5 be a continued effort -- and I think the Board has done
6 this -- and I think there needs to be a better, clearer
7 way of identifying that in terms of making sure
8 implementation is a key criteria in terms of looking at
9 939 enforcement.

10 I don't want to see us spend a lot more
11 energy and time on trying to get the most exact numbers
12 when I think the resources can be best spent on program
13 implementation.

14 With that, I would like to make some
15 specific comments though on the special waste issue. I
16 think that as was outlined by the staff at the beginning
17 in terms of one of the concern is that particularly for
18 example in the Class II waste area, that there may be a
19 situation where a jurisdiction didn't include it in the
20 base year but they have to include it in their disposal
21 reporting, that that causes a significant drop in the
22 diversion rates. But we're equally concerned about a
23 situation where a jurisdiction included those kind of
24 figures in their base year and then those numbers are
25 omitted from the disposal calculation, and thereby a

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1 jurisdiction essentially gets a windfall diversion in
2 terms of a significant increase in diversion rates as a
3 result of that.

4 So I think both of those need to be
5 balanced and the key issue is needing to make sure the
6 numbers that are being collected on the disposal side
7 properly are balanced by what was actually in the base
8 year.

9 I think there's three areas that we're
10 concerned about. First, as Mr. Horton has indicated, is
11 the Class II waste. And we certainly appreciate that for
12 a lot of jurisdictions that didn't include Class II waste
13 in their base year, that's it's problematic, that if it's
14 suddenly added to their disposal reporting that that's
15 going to cause a drop.

16 We don't think the answer is to omit Class
17 II tons from the disposal reporting process. We think
18 there needs to be a way of looking at what wastes are
19 going to Class II and say those wastes that are industrial
20 wastes or clearly weren't in the base year, that those
21 figures be omitted from the disposal reporting or at least
22 omitted from a jurisdiction's disposal tonnage. But those
23 that are clearly municipal waste, those that are typically
24 Class III waste but for whatever reason end up in a Class
25 II facility, those ought to be included in the Disposal

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1 Reporting system.

2 So we want to make sure if there is going
3 to be an adjustment of the Class II issue, that there is a
4 clear look at what wastes are going into Class II
5 landfills and making sure the traditional municipal solid
6 wastes are being adequately accounted for.

7 The second situation that we're concerned
8 about is with regards to mine reclamation facilities, and
9 that was the inert, the clean inerts or inertly inerts
10 issue that was raised as part of the C&D regs, and we're
11 similarly concerned.

12 A lot of jurisdictions raised concerns
13 about materials going to mine reclamation facilities, not
14 wanting those added to their disposal tonnages, but we
15 don't want to see a situation where a jurisdiction was
16 sending those C&D inert materials to a permitted facility
17 and thus it was in their base year in 1990, and suddenly
18 be able to send it to a mine reclamation facility where
19 perhaps it doesn't get counted and suddenly get
20 essentially a windfall diversion. We think in that
21 situation there really needs to be an effort to try and
22 pull those numbers out of the equation, if possible
23 completely, so you're not benefitted, you're not getting
24 diversion credit by doing so and you're not adversely
25 affected by it.

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1 That's going to I think ultimately require
2 some looking at some of the base year tonnages and seeing
3 how you can try and pull those materials out of the
4 equation so it's not adversely or positively affecting the
5 diversion rate.

6 The third issue area with regards to
7 special waste from our perspective is certainly the
8 alternative daily cover issue, and as we raised concerns
9 at the Board's September meeting, we're very concerned
10 about the potential overuse at some landfills. I think
11 many landfills, it's not a huge amount, but I think there
12 are definitely examples of landfills out there where I
13 think there is a significantly high use of ADC, much
14 higher than was originally anticipated when these policies
15 were in place, and we don't see a procedure or process in
16 place right now for the Board to adequately review those
17 numbers and ensure that they truly are using the proper
18 amounts of ADC and not exceeding the allowances that were
19 established under the Board's regulation.

20 So we think as part of the disposal
21 reporting process, there needs to be a review of those ADC
22 tonnages on a landfill-by-landfill basis based on their
23 landfill operations.

24 So those are what we see as the three main
25 issues from the within the area of special waste. I think

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1 though that ultimately the Board may need to be looking at
2 some more bleak picture-type solutions to addressing this
3 issue and some of the other issues that have been brought
4 forward today.

5 I think that the three that I really see
6 coming forward is one, the Board's efforts in terms of
7 getting jurisdictions to review their base years. I think
8 that's ultimately something that we're going to have to
9 look at more in terms of obviously the numbers that we're
10 selecting now. While they may not be perfect, they're
11 better than what were collected in 1990, and I think the
12 Board can get to a point where people have at least done a
13 better base year, revise their base year. That's going to
14 help in terms of -- help with a lot of these numbers
15 issues.

16 I think rather than doing it on a
17 case-by-case basis, though, I think the Board ought to be
18 looking at a coordinated statewide effort. And that may
19 be something that takes a year or so to plan, but I think
20 if the Board can play a role in a coordinated effort with
21 some of these base year revisions, that's going to lead to
22 a lot better figures for folks to be working with in terms
23 of the Disposal Reporting System.

24 I think the second issue that perhaps needs
25 to be looked at is trying to pull out some of the variable

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1 waste streams from the calculations, and I originally
2 indicated for example the mine reclamation situation, but
3 I think even the broader category of C&D materials,
4 disaster debris and based on the discussions that I've
5 heard thus far today, self haul, is that perhaps looking
6 at a way for pulling some of those tonnages out so they
7 aren't -- the fact that they fluctuate so widely from year
8 to year. If those were somehow pulled out and addressed
9 in a separate review as opposed to part of the overall
10 calculations, that might calm down and eliminate some of
11 the fluctuations that you're seeing in the numbers.

12 By suggesting that they maybe get pulled
13 out, we're not suggesting that they not be a part of 939.
14 Absolutely we think these kinds of activities are part of
15 what the Board is it looking at, and the Board ought to be
16 looking at what programs jurisdictions are doing in those
17 areas. But as a way to try and address some of these
18 numbers issues, perhaps pulling these variable waste
19 streams and addressing them on a separate basis would be
20 appropriate.

21 I guess the third issue is just going back
22 to our concerns about alternative daily cover, is that the
23 Board really needs to -- and I think we really need to
24 take an honest look at these activities. We don't believe
25 that they truly are a diversion from disposal. We're not

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1 suggesting that those activities should be considered
2 against a jurisdiction's 939 requirements, but they ought
3 to be pulled out of the equations so they don't positively
4 or negatively impact a jurisdiction's diversion.

5 I think those three issues that I've raised
6 and those are certainly some bigger picture issues and
7 will take certainly take a lot of discussion amongst
8 Board, local governments and the hauling community, but I
9 think those are some areas that we might need to look at
10 to really fundamentally address the disposal number
11 problems at the hearing today.

12 CHAIRMAN EATON: Thank you, Mr. Best.
13 Ms. McCarthy.

14 MS. MC CARTHY: Thank you for the
15 opportunity to speak. Catherine McCarthy with the Solano
16 County Department of Environmental Management.

17 I'd like to tell you a little bit about how
18 things work in Solano County to give you an idea of how
19 these things affect us. We're not a JPA, but as the
20 County, I do all the disposal reports for all of our
21 cities. We have two private landfills in our county that
22 are currently operating, and about half of the waste that
23 we generate in the county is disposed locally, and we also
24 export out of state and also export to other counties.

25 Of the two landfills that we have, one of

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1 them is a large landfill that takes quite a bit of
2 material from about ten different transfer stations. So
3 we're getting waste from a lot of different jurisdictions
4 that has complications there. The other one is a private
5 Class II facility, so we are getting Class II special
6 waste and we get waste from about 200 different
7 jurisdictions from all over the state.

8 You can kind of guess what my disposal
9 reports are like. Many people describe them as a
10 nightmare to read and I apologize for that, but they are
11 rather complicated that we're getting things from so many
12 different places filtering through the transfer stations
13 and make it difficult to keep on top of that.

14 In terms of -- we have a real different
15 perspective from San Joaquine County about the Class II
16 waste. Five years ago when we started reporting, we just
17 accepted what the Waste Board said and said yes, we'll
18 report it. So we reported all of our Class II waste. We
19 mixed it in with our Class III waste in our reports. That
20 was also the advice we got at the time. So that's the
21 advice that we then confirmed. We don't report our
22 special waste separately like some of the other landfills
23 have done.

24 We do report it. We haven't held on to it
25 for three years. We've reported every quarter, so that's

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1 something that's a little different from some of the other
2 landfills. And that hasn't been a big problem or an issue
3 for us or for our local jurisdictions. We could report
4 the Class II waste separately if the State wanted us to,
5 but I would definitely say if you're going to have us
6 report it separately, I think you really need to consider
7 backtracking it and making us go back five years. That
8 would be quite painful. So it's just something to
9 consider, is it something that's going to be retroactive
10 or pick the date and change it.

11 In terms of other things, some of the other
12 questions were, do we divert any of the Class II waste.
13 Yes, we do. We have quite a bit of our contaminated soil
14 is used as ADC and it's counting currently as diversion.
15 A large chunk of it is diverted and we report it that way.
16 One of our landfills has tried to claim that the asbestos
17 is a construction material and therefore it's diverted,
18 which is something we've agreed to, just so you know that
19 we do ask questions.

20 (Laughter)

21 CHAIRMAN EATON: Always boils down to
22 definitions; doesn't it?

23 MS. MC CARTHY: Yes, it does. One of the
24 issues obviously in terms of overall the Disposal
25 Reporting System for us has been quite a positive thing.

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1 One of the things we found out is it has been quite
2 painful at times, but basically we dispose of about twice
3 as much waste as we thought we did five years ago. And
4 that's been a good thing for us to learn about, and we
5 never would have learned without the Disposal Reporting
6 System. For us it's actually been quite a positive tool
7 because we've been much better to allocate where it's
8 really coming from among our cities, as well as the amount
9 that was coming from out of county that we were really
10 unaware of, also the amount that we were sending to some
11 counties that we didn't really know we were sending out at
12 all. That's helped us quite a bit.

13 Not being negative about the system, our
14 concerns are if you're going to be changing it to really
15 consider the burdens upon the landfills and transfer
16 stations, as well as agency staff, and the amount of work
17 it would be changing the system. For us, we are a
18 one-person staff and have lots of other duties. So to go
19 backwards especially concerns us a great deal and it's
20 something that we've done in other cases. When we've
21 changed something, we've gone backwards to try and fix it
22 and that is obviously quite a difficult task.

23 Other things in terms of the rules
24 changing, if you change Class II data to not count, one of
25 the concerns that we had -- one of the other hats I wear

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1 is hazardous waste planning and we're -- as part of the
2 Bay Area, we're part of the ABAY, and what's interesting
3 there is we take Class II data and also set it aside and
4 say this isn't really hazardous waste so we're going to
5 put it over to the side because it doesn't really in
6 effect come into our formulas for affecting hazardous
7 waste.

8 So we're looking at how we divert hazardous
9 waste. It's a different mandate, a whole different legal
10 system, but we're also setting it aside (inaudible)
11 hazardous waste either. And so it's a problem in the
12 sense of what are we going to do with it. Does it fall
13 out of the equation completely and we don't deal with it?
14 I think some of the hazardous waste that's Class II waste
15 can be diverted and quite a bit of it has been brought
16 down from Class I to Class II in an effort to make it less
17 toxic. So we're dealing with that issue. So we've
18 increased our Class II waste, but are we going to have any
19 kind of a way to keep track of it and to deal with it as
20 diversion. So that was one of the other concerns we had
21 is are we going to keep it in the system at all or
22 completely take it out.

23 Most of the other comments I got from
24 talking to our local cities and local haulers was just in
25 terms of some of the other issues that have been raised in

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1 terms of changing the system. A couple of things I've
2 heard different people mention is what if we had a system
3 where we added some other categories? In addition to ADC,
4 adding a category for construction materials and also
5 adding category for landscaping, adding categories for
6 different things. That really increases the burdens upon
7 the record keeping and all the different levels and a big
8 thing to keep in mind.

9 For us we've been relatively happy with our
10 data collection. Our real problem has been when things
11 have changed to fix the change, so sometimes it's taken us
12 a couple years to catch up, making sure that transfer
13 station is sending us materials. Enforcement has been a
14 real problem. It's difficult to enforce something when
15 it's not even in our jurisdictional at all and we don't
16 have any legal recourse to enforce the transfer station
17 and another county reports the data, and that's been a
18 real problem for us. So that's all I'd like to say.

19 Thank you.

20 CHAIRMAN EATON: Thank you.

21 Mr. Rawles.

22 MR. RAWLES: Good afternoon. Thank you for
23 the opportunity. This conference is the perfect timing
24 for us. I'd like to take a minute to tell you about what
25 we're doing in Marin County and how this Class II waste

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1 issue affects us. In Marin County we are a regional
2 agency. I am program manager for the JPA that covers all
3 the cities in the County of Marin and the County itself.

4 Class II waste up until now has not been a
5 problem for us. Our local landfill is Redwood landfill,
6 and they're owned by Waste Management, and they get from
7 our County 10,000, 12,000 tons of sludge and soil which
8 they've used as ADC and compost, and it's reported by
9 weight by jurisdiction, by hauler and daily. And it
10 hasn't been a problem. Marin County is -- we felt like we
11 made a good faith effort and we've tried very hard to
12 submit to the requirements of AB 939. We have a lot of
13 programs. We have a MRF in the County that does all the
14 sorting. We have curbside recycling, green waste, most
15 all the programs that we can think of we're doing. We
16 have a household hazardous waste facility that the JPA
17 supports and that operates five days a week. Toxic taxi.
18 As far as we know, we're doing a lot.

19 In our 1998 report, annual report as we
20 submitted it, we were at 51 percent. In October of this
21 year, we got a report from San Joaquine landfill which
22 said that we were now at 22 percent because of 90,000 tons
23 of Class II waste that came from Hamilton Air Base which
24 was being cleaned up. So it was a federal facility which
25 was outside of our control and sort of a one-time event,

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1 but it impacted us greatly because you can imagine we're
2 putting all this effort into it and the community response
3 to go out and say we're not at 50 percent, we're really at
4 22 percent now.

5 This tale of woe maybe could have fit in
6 other categories because other people were speaking
7 earlier about federal and state facilities, but for an
8 example, in Marin County a few years ago, at various times
9 we've become a non-growth community and developers can't
10 build up houses and there was a referendum against some
11 developer who put up 50 homes. In the meantime while this
12 referendum is going on, the military threw up 500 homes
13 and didn't tell anybody. The federal government can do
14 anything. But now they're gone and cleaned up and 90,000
15 tons may be charged against Marin County in our JPA.

16 So I just want to say one more thing about
17 our good faith effort. A couple years ago we hired Jim
18 Greco, who was on your first panel here, and he audited
19 our JPA to come in and look at us and see how we were
20 doing and did he have any recommendations. And I think he
21 gave a very positive report. And I'm saying that just
22 because we've taken the steps to do what we reasonably
23 can. But when you have 90,000 tons of soil out of a
24 military facility, it's difficult.

25 So anyway, I'm looking for Board relief and

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1 I've talked to your staff and they said there might be
2 some administrative resolution. Mr. Horton talked to the
3 same issue and how it affects us, but we feel it's unfair
4 so we're looking for some Board relief.

5 Thank you.

6 CHAIRMAN EATON: Thank you.

7 Ms. Leonard. Take the microphone back.

8 MS. LEONARD: Good afternoon. My name is
9 Michelle Leonard. I'm with SCS Engineers, and knowing
10 that the father of special waste was going to be on the
11 panel today, as well as trying to be a good consultant and
12 adhere to the recommendation for a five-minute
13 presentation, I'm going to focus my comments today on the
14 issues of inert, C&D wastes, and the facilities that
15 handle those, particularly in southern California.

16 I was involved in the permitting and
17 environmental review of a few of these facilities in
18 southern California, so I'm familiar with that situation.
19 You're certainly correct in the fact that a lot of the
20 inert waste was not counted in the original SRREs and now
21 is counting is a huge problem for a lot of the southern
22 California cities. I'm not aware of any cities that have
23 benefitted from any windfall diversion from this system,
24 but in fact have suffered immense negative diversion from
25 the system.

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1 The other kind of opposite side of that is
2 that cities that are now trying to track diversion using
3 the new recommended diversion studies aren't able to track
4 the diversion that may be happening at some of those
5 facilities. As you may be aware, in southern California
6 we have permitted and unpermitted inert facilities. Some
7 have full Solid Waste Facility Permits, and these are
8 particularly mining reclamation sites. Their wastes are
9 reported as disposal. Then we also have unpermitted inert
10 disposal sites that aren't included in the Disposal
11 Reporting System, so that's the problem.

12 Some of the permitted facilities, like I
13 said, are mining reclamation sites. It's interesting,
14 though. Some of them are active mines, are active mining
15 reclamation sites and are recycling sites as well. The
16 ones that are doing recycling certainly have a motivation
17 to recycle as much as possible, and working with one of
18 them I know that approximately 70, 75 percent of the
19 material they receive is actually decycled. They process
20 it and recycle it as road base material. The other
21 material that can't be reused is retained on-site for
22 reclamation of the landfill.

23 Their method to track the incoming waste,
24 they don't -- and primarily most of the inert facilities
25 don't have scales. The waste, incoming waste is

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1 calculated based on the type of truck and how full the
2 truck is. The operators are asked where they come from
3 and that information is recorded. And if they are a
4 permitted facility, that information is reported to the
5 County.

6 I think it's important to notice that
7 because of the way the system is, the Disposal Reporting
8 System almost encourages the disposal or use at the
9 unpermitted facilities. That way a city won't get dinged
10 or won't get additional disposal reported if they go to
11 one of the permitted facilities.

12 Some of the cities that I've worked with
13 have attempted to revise the waste generation amounts to
14 take care of or count for inerts by revising their base
15 year numbers or by revising the reporting year numbers.
16 Both of these methods require expense and I don't think
17 really gets to the true motivation in all of this which is
18 of course to divert waste from the landfill.

19 I agree the other earlier consultant. This
20 hasn't been a full employment act for me, and I would much
21 rather again be helping cities to implement some programs
22 and do that part of it than helping them define where
23 their waste went and tracking it down and making hundreds
24 of phone calls to find out who brought what where, et
25 cetera.

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1 I wanted to share a few things that some of
2 the cities that I know of are trying in terms of tracking
3 of C&D. Most of them are implementing policies through
4 their construction and demolition permitting program. One
5 city has recently implemented a policy where they will not
6 approve a plan, building plan or a demolition plan,
7 without evidence, written evidence of where the material
8 was taken and how much was taken. Most of the cities are
9 now requiring or looking into requiring contractors to
10 actually separate the waste at the construction or
11 demolition site so that as much as possible can be reused,
12 and material that cannot be reused would be sent to an
13 inert landfill.

14 Other cities are also looking to provide
15 technical assistance to their contractors and have looked
16 into the State Contracting License as a potential source
17 of licensing -- as part of the State Contractors License
18 is to make a requirement for contractors to know how to
19 recycle and reuse materials in construction and
20 demolition.

21 Just a couple recommendations. It's our
22 opinion that inert landfills should not be counted as
23 disposal. If you look at it as recycling of an old land
24 use into a new, economically viable land use, which is the
25 objective of most of the mining reclamation plans for

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1 these landfills, old mine sites, is to bring them back
2 into usable land. As one operator said, it may not be in
3 my lifetime or your lifetime, Michelle, that this pit will
4 get back up to grade. But that is the purpose and
5 objective of these old sites, is to bring them back to a
6 usable and economically viable land use.

7 And finally, I think you probably heard it
8 quite a bit today, that obviously we need a system that
9 treats all facilities equally, whether it's continuous
10 tracking or whatever type of system is initiated, it needs
11 to be on an equal playing level for all those facilities.

12 CHAIRMAN EATON: Thank you.

13 Mr. Mohajer.

14 MR. MOHAJER: Mr. Chairman, my name is
15 Mike Mohajer with Los Angeles County. As far as my
16 function with the County is concerned, talking about this
17 particular panel, I'm responsible for the administration
18 and implementation of the County Hazardous Waste
19 Management Plan. I also operate the largest household
20 hazardous waste program in the nation. I'm also
21 responsible for collecting the numbers from the landfill
22 operators that are reported to the jurisdictions and
23 Disposal Reporting System. I'm also staff to the local
24 task force, as well as I'm also responsible for doing the
25 AB 939 implementation for the unincorporated areas.

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1 When I looked at this about the meeting for
2 the Disposal Reporting System, from that aspect of it, I
3 really want to congratulate the Board and I really
4 appreciate being invited. And I appreciate the fact that
5 we are looking at the problem now and trying to come to
6 some resolution. The resolution may not be something that
7 is going to satisfy everybody, but hopefully it is going
8 to satisfy the majority in trying to implement and achieve
9 what really the fundamental goal of 939 was and is and
10 hopefully will continue to be.

11 So with that said, my interest was to just
12 come and discuss the Disposal Reporting System, which I
13 hope I will get the opportunity to discuss after this
14 panel. And the panel number four, the way I look at the
15 panel number four, in panel one, two, three, they were
16 discussing the actual Disposal Reporting System. Panel
17 four discusses what counts and what doesn't count. First
18 three panels discussing how to accurately count what it
19 does count. Here we're talking about what type of waste
20 we want to look at it and see what count towards 939 or
21 not.

22 So with that aspect, the first thing I did,
23 again being involved, responsible, the County has its
24 Waste Management Plan, I look at the definition of the
25 Group II waste trying to see how to prepare my

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1 presentation, and I told the staff that unfortunately I
2 was not able to find anything in the current state law and
3 regulation as to what the Class II waste is. So I have
4 made certain assumptions, and unfortunately those
5 assumptions are correct from looking at it, that we're
6 talking about special waste, designated waste, and
7 recognizing that I am involved -- I have been involved
8 both hazardous waste and solid waste. You can see how
9 even we get some old timers like me confused throwing all
10 this different terminology at different times depending on
11 how the regs and legislation is written.

12 So with that said, if we look at Title 14,
13 you do have a definition for special waste and you look at
14 one of the components of the SRREs very specifically calls
15 having a component of special waste. So at least to me,
16 special waste, if you look at it, it isn't anything that
17 didn't exist before. It exists now. Some of us did count
18 it. Some of us didn't. I can't answer that even for
19 myself, but it is in the regulations.

20 So with all that said, I try to make my
21 speech over here short because I want to have the
22 opportunity to talk about the other three panels.

23 (Laughter)

24 MR. MOHAJER: Looking at your first
25 question that was raised to the panel, how the facilities

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1 receive Class II waste reporting in its disposal
2 reporting, and we don't have any Class II in L.A. County.
3 And frankly, all the reports I got for the unincorporated,
4 that wasn't really nailed down except when Tom sent the
5 report to us not too long ago, but brought the Class II.
6 So that hasn't been -- even the special waste generated in
7 L.A. County reported to us is not being separated. It's
8 all shown as one column, landfill or diverted.

9 Second question, what are the methods
10 employed to allocate the special waste tonnage of the
11 facility. I would say they use the same Disposal
12 Reporting System allocation as they do for solid waste.

13 What methods are currently successful in
14 tracking types and tonnages used as ADC. If you're
15 talking about the green waste, the green waste that goes
16 to sanitation district landfill as alternative daily
17 cover, it gets counted on a daily basis, that quantity
18 that is there. But other than that, the problem will
19 continue to be the same as what we heard all day long
20 about the Disposal Reporting System.

21 In reference to the last question under
22 diversion alternatives, I said in reference to this sludge
23 and biosolid, that could be used as a composting, looking
24 at the diversion alternative. If we're talking about the
25 ash, the issue was raised coming from the waste to energy,

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1 that can be encapsulated and used for the landfill loads,
2 for example.

3 In reference to inert materials, you know
4 what at least the L.A. County position is and the special
5 waste discussion was made over here that we think the
6 inert materials that are used for mine reclamation to
7 reclaiming the depleted gravel mines, that ought not to be
8 counted toward disposal.

9 And if it's a waste tire, you're talking
10 about the physical size because state regs specifically
11 define special waste if it's because of its only physical
12 characteristic, not chemical. Some uses for waste tires,
13 you can use them for rubberized asphalt. If you're
14 talking about contaminated soil, certainly that can be
15 treated and could be used as a daily cover, but I do not
16 support it if it's not treated to be used as daily cover.
17 Some landfill operators use it and I don't have any
18 jurisdiction to tell them no.

19 Thank you.

20 CHAIRMAN EATON: Thank you.

21 Mr. Christensen.

22 MR. CHRISTENSEN: Mr. Chairman, Board
23 Members, my name is Norm Christensen with Allied Waste in
24 Contra Costa County.

25 In going through this, we have quite a few

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1 jurisdictions that called the landfill at Keller Canyon,
2 called Forward. When I was over at Vasco, called Vasco,
3 and it seems those phone calls came in every time a report
4 was issued and somebody saw a large number and wanted to
5 know what could possibly have created this number since
6 we're 80, 90 miles away.

7 The Class II definition is something that I
8 think needs to be defined. What I interpret that as is
9 event business, event business being redevelopment
10 projects where a lot of contaminated soil is generated in
11 such areas as San Francisco. The base closures generate
12 quite a bit of it. In redevelopment projects, in the
13 inter-bay and of course I'm looking at it from a Bay Area
14 perspective here. Should these jurisdictions be hit with
15 these large numbers each year? They happen one time.
16 Once a project is over with, the number is no longer
17 generated.

18 At the landfills, we report to our agencies
19 as they request. It's kind of unique in Alameda County,
20 they request that we provide the report on a monthly basis
21 and in a format which they've laid out to you. Contra
22 Costa County is kind of unique. They just prefer a data
23 disc with the information on it and they go through and
24 compile the report themselves.

25 As far as what methods are employed to

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1 allocate the special waste tonnage at the facilities, we
2 can provide that data any way the agency would like it.
3 We're in the 1990s and have computer runs, and you can
4 sort that data however it is requested.

5 I think in 1989, when the bill was passed,
6 the economic activity that's happened in the last ten
7 years, especially in the major metropolitan areas, might
8 not have been foreseen. We look at pieces in the East Bay
9 and in San Francisco where folks are moving an awful lot
10 of contaminated soil out there just to create a usable
11 piece of property because land values have escalated.
12 Is this something that is going to go on for the next ten
13 years? It's hard to tell right now.

14 I think the other major thing was the UST
15 program. It really hadn't started in 1989. It has been a
16 major event of tonnage until recently and we're starting
17 to see the bottom end of that.

18 So that's all I have.

19 CHAIRMAN EATON: Thank you.

20 Ms. Wright.

21 MS. WRIGHT: Good afternoon, Chairman Eaton
22 and Board Members. I prepared a statement. Hopefully
23 I'll get it in my five minutes here so that we can get --
24 I know there's other people who would like to make some
25 comments. Thank you for allowing this discussion on

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1 special waste to occur today and the opportunity for me to
2 participate.

3 I became employed with the City of
4 Pittsburg a couple years ago as their Hazardous Waste
5 Reduction Coordinator and to manage their Environmental
6 Affairs Division. When I began with the City, I began
7 reviewing the disposal reporting numbers in preparation
8 for the annual submittal of our annual report. I received
9 many types of reports from various reporting agencies. I
10 thought it particularly odd that I received a report as
11 far away as Shasta County.

12 In my previous occupation, I had worked in
13 a hazardous waste organization and was familiar with the
14 landfill and the report. We had usually disposed of
15 asbestos material at that landfill. When I called and
16 inquired about the material disposed of, it confirmed my
17 suspicion that it was asbestos. Then it struck me as
18 particularly odd. Why should the city be penalized for
19 the disposal of asbestos when I cannot legitimately apply
20 a waste diversion program for this material? It should be
21 going to the landfill, double-bagged, and wetted.

22 This caused me to investigate further types
23 of materials disposed of in the various reporting
24 landfills. Some agencies and landfills have been very
25 gracious in providing the information. Others have not

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1 been willing to provide the information due to internal
2 tracking or confidentiality issues.

3 In my journey to uncover these issues, it
4 has taken a great deal of time and effort. Many
5 jurisdictions have not had the capability nor do they
6 realize in the present Disposal Reporting System that
7 these so-called special wastes are being incorporated into
8 the waste stream. Most reporting is combined into one
9 figure.

10 I believe in our County, Contra Costa, we
11 are appreciative of the detailed reporting provided by
12 Keller Canyon landfill, who provides at least to the local
13 jurisdictions the breakdown of material going into the
14 landfill. Their understanding and assistance has allowed
15 for the review of the material waste stream such as C&D,
16 special and industrial waste to verify proper allocation
17 to a jurisdiction. In addition, for these materials and
18 waste streams, we are provided all the waste for the
19 entire quarter, not just during the survey week, and keep
20 it separate for the self haul of the transfer station,
21 where achieving this type of information from other
22 agencies is difficult to nonexistent.

23 In the past few months, many jurisdictions
24 have had their eyes open with San Joaquine distributing
25 the disposal reporting figures for 1997 and '98 and

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1 discovered their diversion numbers dropped 10 to 20
2 percent or more. In reviewing the report and noting the
3 landfill on top, I knew the majority of material for my
4 jurisdiction would be either asbestos or soil based on my
5 experience. I was correct after receiving a more detailed
6 report that I had requested from the landfill.

7 Last year was the deadline for the upgrade
8 of underground storage tanks, and there was an unusual
9 amount of contaminated soil generated, this year also.
10 With the redevelopment of lands throughout the Bay Area
11 with base closures, old forgotten ship yards and rail
12 yards, the new prime economic (inaudible) there have been
13 many event jobs.

14 If these event jobs occur during a survey
15 week, then the jurisdiction is penalized severely. In an
16 annual report it may allow for a correction with a
17 documentation of the event and amounts. The research and
18 time involved in the corporation or landfill or business
19 to provide the information makes it difficult to obtain
20 accurate information to declare. When is an event job an
21 event job or not? When is it counted? Size?
22 Circumstance? It's not clear because one or three tank
23 removals occurring on a survey week may generate 1,000 or
24 10,000 tons, additional tons to a jurisdiction on a
25 disposal report.

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1 In the investigation with one landfill, I
2 questioned the report provided by the reporting
3 jurisdiction was not successful in an explanation. In my
4 discussion with the landfill I discovered different
5 information with regard to the amount of material disposed
6 of and how the material was used. For example, it was
7 contaminated soil and was used as ADC. However, the city
8 did not receive credit for any of this.

9 Neither here nor there, I believe the issue
10 regarding special waste as part of the disposal reporting
11 process should be removed from the Disposal Reporting
12 System. In reviewing many different types of materials
13 disposed of, I encountered asbestos, contaminated soils of
14 various natures, spent carbon, dewatering sludge, creosote
15 wood, active (inaudible), C&D, and many, many others. Of
16 these materials, most should be disposed of in the
17 landfill, and I'll explain.

18 True special waste in the standards to
19 determine whether waste is not haz is under Title 22. So
20 you can go in and look at the regulations. Here it says
21 how you can deem a material non-hazardous, how it can go
22 into a Class II, talks about special waste, asbestos, all
23 the issues that we have included in within our SRRE
24 showing that shows are certain special waste, but they've
25 also added additional items to that.

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1 These materials must meet, however, the
2 criteria and parameters as set forth in the regulations in
3 order to be disposed of in a Class II landfill.
4 Contaminated soils in many and different varieties and
5 different sources, some petroleum hydrocarbons, metals and
6 others. As for the technology for the removal of
7 petroleum hydrocarbons from soils to non-detect levels to
8 be recycled or reused as clean, the technology is not
9 ultimately feasible yet. It requires permitting of
10 generators and will be managed and regulated by DTSC.

11 But then there's the metal-contaminated
12 soils we have to reclaim. Well, I worked for a metal
13 reclamation hazardous waste company which accepted sludge
14 from the electroplating and semiconductor industry, as
15 well as some soils. The concentration of metals would
16 have to be extremely high to be feasible to incorporate to
17 the material that they process to be sent to major mining
18 smelters throughout northern America. Concentrations of
19 metals going to Class II or Class III would not be
20 attractive.

21 In addition, these companies have to pay
22 for the reclamation of copper and zinc if they are
23 charged. However, it is encouraged to recycle through
24 DTSC and their fee collection waste management hierarchy
25 of reduce, recycle, reuse, treatment consideration and

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1 landfill.

2 As for the credits of contaminated soil as
3 ADC and the reporting of these figures were discontinued,
4 would it be fair? Well, some landfills are not allowed or
5 have chosen not to use contaminated soil as ADC even
6 though it's permissible under Title 27. In our situation
7 the local landfill, Keller Canyon, is not allowed to use
8 contaminated soil as ADC per the Air Resources Board and
9 also as per the wishes of the City. Should all our local
10 jurisdictions be penalized for this because they bring
11 materials and soil to that landfill? Contaminated soil,
12 therefore, should not be reported in the Disposal
13 Reporting System, which would also make it not subject to
14 the ADC reporting system, and landfills would then be
15 allowed to manage these wastes accordingly.

16 The last area of waste I would like to
17 consider I want to term the (inaudible) is also discerning
18 as industrial waste. These are the sludges, the spent
19 carbons and other materials from the industries that may
20 not be subject to Class I landfill specifications, but due
21 to testing levels may be allowed into Class II depending
22 on the design and permits or the need to be disposed of in
23 some fashion. Once again, most of these materials must be
24 disposed of in a landfill in the interest of public health
25 and safety.

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1 DTSC, from what I've learned in recent
2 training, has passed some regulations that will benefit
3 generators to recycle certain materials designated by DTSC
4 and they're going to develop a list of these or are
5 presently designing a list. These will be specific
6 materials with specific parameters.

7 Another issue to consider with regard to
8 special waste, since during the last administration, DTSC
9 had been looking into revising the present waste
10 classification system within California and the regulatory
11 structure update or RSU, the restructuring of the
12 non-regular waste classification structuring guidelines.

13 If the RSU is ever adopted, it would
14 restructure the level of contaminants with non-regular
15 classifications, thereby lowering the standards and the
16 materials that would typically go would be required to go
17 for disposal at a Class I landfill would then be allowed
18 into Class II. The process has been stalled with the
19 appointment of a new director. If the director should
20 proceed forward with the recommendations of the RSU,
21 jurisdictions would see a tremendous increase in disposal
22 figures under the present reporting system with waste
23 streams, thereby disrupting diversion figures up and down
24 California.

25 These areas I have addressed -- special

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1 waste, contaminated soils, industrial waste, require
2 samples and profiles to be completed to track their
3 particular waste. Most are brought on a non-hazardous
4 waste manifest according to those I have spoken with.
5 These wastes are tracked and identified separately. C&D
6 materials typically do not require profiles, thereby may
7 be tracked by jurisdictions so they continue in
8 implementation of their C&D programs.

9 The wastes I've mentioned above such as
10 contaminated soils, asbestos, spent carbons which can no
11 longer be regenerated, are wastes that have no diversion
12 programs. They need to properly handled to ensure they
13 pose no threat to human health or the environment.

14 As the City's Waste Reduction Coordinator,
15 I am actively involved in working on programs with the
16 community to educate residents and businesses to reduce,
17 reuse and recycle as well as set up local avenues so they
18 may participate in programs more readily.

19 Our base year figure in our SRRE does not
20 include programs for soils or profiled waste. It does
21 include programs for white goods, tires, C&D, wood waste,
22 motor oil, manure and HHW. These are the other special
23 wastes outlined in my SRRE. These are the areas I wish to
24 concentrate and improve programs for our community, not
25 spend hours of time sorting through other special waste.

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1 The incorporation of special waste, industrial waste, and
2 soils do not allow me to accurately document the success
3 of my other programs. Please consider.

4 Thank you.

5 CHAIRMAN EATON: Thank you. Members,
6 that's the last panel member. Any questions? I have one
7 question.

8 If inert materials are going to mine
9 reclamation projects, for any of you right there, and are
10 not disposal, do you consider them diversion?

11 Mr. Mohajer.

12 MR. MOHAJER: Mr. Chair, let me answer it
13 this way. We believe that that's consistent with what our
14 task force has adopted, that it should not be considered
15 as disposal. So the issue really is not a diversion. The
16 landfill operator may call it diversion. The issue is
17 that should not be reported as disposal for the purpose of
18 AB 939 waste reduction matters. I can answer only that
19 aspect of it.

20 CHAIRMAN EATON: Our loss is if it's not
21 disposal, it's diversion; is it not?

22 MR. MOHAJER: Not necessarily. If it's not
23 disposal, it's not a disposal. It has nothing to do with
24 diversion.

25 CHAIRMAN EATON: Well, my problem, you

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1 know, and I've been one to be a stickler on mine
2 reclamation, not because I don't think it's valid, but I
3 think there needs to be a closer nexus between the time
4 you put something in the ground and actually have the time
5 we uncover it. We may have to pull that out. There's no
6 question about that. But I think that becomes
7 problematic.

8 The other thing, I think, if we follow the
9 true mandate of AB 939 in our hierarchy deals with source
10 reduction, reuse, and then recyclability, then the
11 question is how much virgin material are we using in place
12 of what we're putting in that ground and could we
13 recapture some of those materials that are going in that.
14 I don't expect you to answer that, but that was one of the
15 policy questions that continues to disturb me in terms of
16 this mine reclamation project because I do believe it's a
17 situation that one of the panel members said that if you
18 have a situation where you can go to an unpermitted kind
19 of facility or anything, that's where it's going to flow.
20 That's just the economic system, and I think it's one as
21 we go down this path we have to take a look at very, very
22 carefully so that at least the main purpose of the law.

23 MR. MOHAJER: Mr. Chair, because with this
24 problem there are only three permitted, depleted gravel
25 pits that has a classified landfill in Los Angeles County.

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1 There's none other in the state as I'm defining
2 unclassified landfill. The issues, we submitted comments
3 on C&D and we were specific as to what type of inert
4 materials we were discussing, and that it wasn't that you
5 can at no place in our recommendation from L.A. County
6 that says we want you to put construction materials and
7 organic waste in those landfills and not count it,
8 absolutely not. Just very specific to certain types of
9 inert materials. If I put dirt -- under our state law I
10 have to reclaim the depleted gravel pits and I put in
11 dirt, that is it. It is a virgin material. That's what
12 it is. When I want to build a building, that is a virgin
13 material. So we shouldn't get things confused. That's
14 one thing.

15 Secondly, the three inert waste landfills
16 that the issue has been raised for Los Angeles County,
17 they were not permitted. They did not exist, quote,
18 unquote, back in 1990 when the studies were done. They
19 were permitted in 1993, '94, '96. They're all after the
20 fact. And so with that said again, we are just talking a
21 certain specific type of inert materials. Please, for the
22 matter of record, I'm just not talking any type of inert
23 waste.

24 BOARD MEMBER JONES: Mr. Chairman.

25 CHAIRMAN EATON: Mr. Jones.

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1 BOARD MEMBER JONES: I don't want to get
2 into this inert, but there is an issue about pre-SMARA and
3 post-SMARA, and there was an issue that a lot of those
4 facilities didn't have to have reclamation plans, they
5 were opportunities, which is fine. I don't have a
6 problem, believe me. We've put some landfills in some old
7 inert -- in some old mine sites and reclaimed them that
8 way, but it was an issue of when the fee came forward, all
9 of a sudden it became recycling. There was not a big
10 issue until there was the issue of a fee that wasn't being
11 paid, and then it became an issue of none of this is
12 disposal, it's all recycling. And that got us nervous for
13 obvious reasons.

14 I think we can let the legislation and talk
15 about that stuff later, but I do want to talk about -- I
16 am very sympathetic with Mr. Horton's dilemma, and I've
17 been talking to him -- I think two years ago or something.
18 And Mr. Mohajer kind of defined the issue, I think, when
19 he went and looked at the definition of Class II waste,
20 and there is no definition of Class II waste.

21 MR. MOHAJER: And I even called --

22 BOARD MEMBER JONES: I'm giving you credit.

23 MR. MOHAJER: I even called --

24 CHAIRMAN EATON: Don't respond. You're
25 using up your time.

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1 (Laughter)

2 BOARD MEMBER JONES: There are Class II
3 facilities, there's not Class II waste. There is special
4 waste and designated waste. And I like what Norm said
5 about these are event-type issues, but the bigger pictures
6 and the reason you have panels is because there's a lot of
7 diverse views.

8 Ms. McCarthy has facilities in her
9 jurisdiction that are able to give -- to get credit for
10 the use of those wastes as ADC. You can't have -- in my
11 mind, I have a hard time grappling with how do you give
12 diversion credit for a material, justifiably so, and not
13 count it as disposal? I don't think you can have one
14 without the other. But the idea of the event, which in
15 law says if these are one-time events they're not counted,
16 may be something to look at.

17 We've got facilities throughout the state
18 that are trying to treat that material, to put it into
19 a -- contaminated soils, contaminated material -- that
20 are trying to get it back into the system, not as a
21 designated waste or as a special waste, but as an inert
22 material that could be used for something. And that's
23 where the problem is. We have to balance it and maybe
24 look at the event category and maybe get a definition from
25 the Water Board, because if that material had been called

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1 designated or -- then it wouldn't count.

2 MR. HORTON: The language that we proposed
3 would identify specific classes of waste, and not
4 necessarily Class II waste, but classes of waste that in
5 the past were the designated wastes that had become a
6 problem.

7 BOARD MEMBER JONES: Right. And if that
8 doesn't count as disposal, then the policy decision is
9 should we count it as diversion when it's used as ADC?

10 MR. HORTON: To the extent that it's
11 counted for disposal, you would. To the extent it's not,
12 you wouldn't.

13 BOARD MEMBER JONES: That's what I'm
14 saying. If that legislation goes through and these
15 materials are no longer going to be considered disposal --
16 count toward your disposal numbers -- and I don't know
17 what that menu is in materials -- then does it also say
18 and if any other jurisdictions want to use these as ADC
19 and get credit, they don't. They can still use them as
20 ADC. They're not going to get diversion credit for them.
21 It has to be silent to both, I think, to be fair to
22 everybody.

23 MR. HORTON: We've attempted to put some
24 language together to deal with that, and we'd like to you
25 take a look at it.

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1 BOARD MEMBER JONES: Does that make sense,
2 Tom?

3 MR. HORTON: Yeah.

4 BOARD MEMBER JONES: That balance? Because
5 I don't have a problem with it either way, but I just --
6 that's why I think the event stuff may get to it. I don't
7 know. Norm didn't say a whole lot, but what he said, that
8 that kind of made sense to me. We've got to look at that
9 as event material.

10 MR. HORTON: The items that are on the
11 menu, contaminated soils is one thing that there is a
12 possibility for diversion. The other items, though, just
13 really there are no other ways of dealing with them rather
14 than landfilling, and it doesn't make sense to require a
15 jurisdiction to divert that type of material that's not
16 divertable.

17 BOARD MEMBER JONES: If it's not
18 divertable, then don't count it as disposable because it
19 can't be. But that material that is divertable, do we
20 count it as disposal as well as diversion?

21 MR. HORTON: I think if it's counted as
22 diversion, then it should be counted at disposal.

23 BOARD MEMBER JONES: Okay. All right.
24 See, that's fair. That's something that I think people
25 can look at and work out because that's fair to everybody.

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1 MR. HORTON: And I think that's the way the
2 language does it.

3 BOARD MEMBER JONES: I don't think I've
4 seen the last iteration. I'll look back. Have I?

5 MR. HORTON: I can bring copies along.

6 MR. MOHAJER: As a matter of record, if it
7 doesn't again -- repeating what you said, you fully
8 support if it's not disposal, it's not diversion. If it's
9 not disposal, it's not diversion. They've got to go
10 together, hand-in-hand.

11 CHAIRMAN EATON: Okay.

12 MR. MOHAJER: You can't have one and not
13 the other.

14 CHAIRMAN EATON: I'm going to have the
15 court reporter take a break. She's been going for over
16 two hours and we still have a ways to go. So if we come
17 back and we'll try and incorporate both the public comment
18 section with any comments with regard to the special
19 waste, that gives us about ten minutes. Is that enough?

20 (Laughter)

21 CHAIRMAN EATON: I guess it will have to be
22 enough. Thank you.

23 (Brief recess taken)

24 CHAIRMAN EATON: All right. If we can get
25 back, I do have one announcement that I've been remiss all

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1 day today, if I can just have your attention, and that is
2 it's Mr. Elliott Block's birthday today.

3 (Applause)

4 CHAIRMAN EATON: You were hoping, I know.
5 All right. Thank you all for staying and the last part
6 you should feel free to, in this last segment, to comment
7 on special waste or any of the other wrap-up sessions as
8 well. We'll combine then and try and segregate the
9 special waste commentary from the overall commentary. For
10 those of you who have planes or family obligations or
11 personal commitments or whatever else, it might be more
12 beneficial in the sense of keeping a domestic tranquility,
13 please feel free to come up and not be bound by artificial
14 barriers. So first.

15 MR. BERRYHILL: Again, my name is Jim
16 Berryhill, City of Pasadena, and I wanted to get in here
17 before Mike Mohajer got in.

18 (Laughter)

19 MR. BERRYHILL: I did want to say thank
20 you. Is somebody saving your place in line?

21 (Laughter)

22 MR. BERRYHILL: I do want to say --

23 CHAIRMAN EATON: Please -- take a ticket,
24 please.

25 (Laughter)

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1 MR. BERRYHILL: From the City of Pasadena's
2 perspective, we really appreciate the opportunity to be
3 present here today at this forum. We encourage you to
4 continue to do these type of forums in the future. As a
5 matter of fact, as always we have in the past hosted these
6 opportunities in our local nick of the woods, if you would
7 like to do that.

8 I also would like to comment that I notice
9 that the only ones that talked about my full employment
10 act were the consultants. I wasn't just referring to
11 consultants, I was referring to cities that have to put on
12 additional staff to manage and maneuver through the myriad
13 of regulations that come out in support of AB 939.

14 CHAIRMAN EATON: I would agree with you,
15 but all I could hear today was we only had one person on
16 staff, so no one was getting hired.

17 (Laughter)

18 MR. BERRYHILL: It seems to be the case,
19 and it's getting worse and worse. The garbage keeps
20 piling deeper and deeper on staff. I do have a dichotomy
21 in the discussions that were on the last panel when we
22 talked about ADC, in having ADC or not having ADC, or
23 giving credit for diversion when it goes to the inert
24 landfills. I have a very good example that maybe you can
25 help me wrestle with as to the solution to the problems.

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1 I have an event at the Rose Bowl this
2 weekend that we're going to be trucking in about 6,000
3 cubic yards of nice, clean dirt. And they're going to run
4 a motorcycle over it a time or two and take this dirt out
5 of the Rose Bowl. And now, because of environmental
6 regulations, I can't put it back on the ground. But if I
7 take it to the inert landfill and fill up one of those
8 holes with dirt, I now get against me. So without the ADC
9 component, which I am now able to do, take it to Shoal
10 Canyon, they use it for ADC. I now get credit for it. It
11 makes a lot more sense in that regard.

12 So we don't want to get the two issues
13 mixed. I either have to get credit for it or not count it
14 against me, one or the other. Can't have it both ways at
15 the Board. I ask you to keep in mind there are those
16 special events that Mr. Jones has indicated that maybe we
17 need to pay really close attention to.

18 CHAIRMAN EATON: Thank you. And thank you
19 for coming up today.

20 MS. WOOD: Hi. Lisa Wood from the City of
21 San Diego, and it's a pleasure to be here and I'm really
22 glad that you had this forum. I thank you also for the
23 weather.

24 I'm wearing two hats today. As you know, I
25 am the Greenhaven at Ridgehaven maiden, so I would like to

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1 start with that and talk about sustainable development and
2 maybe look at this kind of from a different angle.

3 With sustainable development, when I talked
4 to the developers whether they're capital improvement
5 projects in the city or whether they're private
6 developers, when they're first assigned to a project, I
7 tell them about the importance of being able to measure
8 what you accomplish. Measure your energy conservation.
9 Measure your water conservation. Some things are easier
10 to measure than others. The health benefits of indoor
11 quality are very difficult to get your hands around, but
12 there's still an important issue associated with
13 sustainable development, so it's worth taking the time to
14 look at that and to measure that.

15 At our Ridgehaven building, we scrutinize
16 these factors, and it's very useful to us in terms of our
17 bottom line and in terms of the environmental benefits.
18 So measurability is very important as referred today.
19 Measurability is sometimes very difficult. Okay.

20 So now I'll put on my other hat and I'll
21 talk as the chairperson of the Technical Advisory
22 Committee of our local task force.

23 Talking about measurability here, we wrote
24 our source reduction and recycling elements, SRREs. We
25 implemented our programs. Sometimes there need to be

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1 changes. Flexibility is very important. We send in our
2 annual reports. We describe what those changes need to
3 be. We discuss with the staff where our programs are
4 going and what we're trying to accomplish. If we've
5 implemented our programs with the flexibility that's
6 needed, if we've made a good faith effort, we've got the
7 good faith effort, let's use the measurability as a tool,
8 the kind of tool to help us target our programs and
9 accomplish what we need to be accomplishing.

10 Thank you.

11 CHAIRMAN EATON: Thank you, Lisa.

12 MR. SICULAR: Hi. My name is Dan Sicular
13 (phonetic). I'm a consultant with Environmental Science
14 Associates in San Francisco.

15 I want to talk with you briefly about the
16 other side of the inerts issue, the counting of inerts as
17 diverted materials. As you recall, AB 1820 from 1990
18 closed a very large loop hole in the original AB 939 that
19 apparently allowed the counting of inerts as diverted
20 materials and thereby a lot of jurisdictions appeared to
21 be getting away with meeting the 50 percent mandate
22 without actually developing any new programs. Well, AB
23 1820 closed that, but recently, there's apparently a new
24 policy promulgated by, I believe, Board staff, that seems
25 to reopen that loop hole.

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1 This has come to me through the new
2 document that was just put out by the Board on conducting
3 a diversion study, the diversion study guide. This is for
4 jurisdictions who want to conduct a new base year study
5 and apparently the Board is going to allow jurisdictions
6 who are conducting a new base year study to count diverted
7 inerts as long as they are new inerts or from a new
8 program. So the only thing that won't count is the old
9 inerts from the old programs, but anything new will count.

10 Now, the problem with that is of course in
11 1990 when the old programs were running, we were in the
12 middle of a recession, and we're now in the middle of a
13 building boom. There's nothing that I can see in this
14 policy that accounts for those changes. So I believe that
15 there's a problem here with reopening an old loop hole,
16 and I would suggest that the Board take a look at that.

17 Thank you.

18 CHAIRMAN EATON: Mr. Schiavo, if we can
19 take a look at that as part of our overall -- that would
20 be great.

21 MR. GRECO: Mr. Chairman, for the record,
22 my name is Jim Greco. I wanted to float a trial balloon
23 this morning, but time didn't allow it, and I realize that
24 balloons are fragile objects, but nevertheless of all the
25 players that affect the integrity and performance of

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1 939 -- and certainly the Board and jurisdictions are
2 important -- I think the most important, the most
3 important, are the counties of California. Now, why?
4 In light of my comments earlier about
5 regionalization, the statute requires every incorporated
6 jurisdiction in one way or another to prepare a plan, a
7 source reduction and recycling element. Those plans are
8 aggregated into a Countywide Integrated Waste Management
9 Plan. Statute also requires counties track disposal
10 capacity and trends, a Countywide Siting Element. The
11 suggestion I'm going to make is why not request staff to
12 calculate the countywide diversion rate. Why not request
13 that when staff and the Board announces that the 1999
14 disposal numbers and the adjustment factors are available
15 on the web page and letters go out, that included in those
16 letters for every jurisdiction is the countywide diversion
17 rate and maybe the question, do you think that this
18 diversion rate better represents the performance of 939 in
19 your jurisdiction? It's going to create some illuminating
20 views. It will show perhaps why are some rates higher
21 than the countywide diversion rate, why are some rates
22 lower, and we have found that a number of counties with
23 jurisdictions, when you look at this on a countywide
24 basis, you don't have to worry about the self haul, the
25 allocation. There's going to be problems, but I think

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1 this may be a very simple task that could provide some
2 illuminating insight if we look at the countywide
3 diversion rate and countywide performance whether or not
4 there is a JPA in existence already.

5 CHAIRMAN EATON: Thank you.

6 MS. FRIESEN: Hi. My name is Patty
7 Friesen. I'm with the City of Martinez. I just have a
8 couple of comments about the last panel.

9 First of all, the event reporting
10 suggestion seems like a good idea on the surface.
11 However, that requires the cities to continue to monitor
12 and track Class II designated special waste, and that
13 means that if it goes to a Class II landfill that reports
14 it to you, like Keller Canyon landfill in Contra Costa
15 County, that's great. But if it goes to B & J landfill in
16 Solano County, you don't know it's Class II. And if it
17 goes to the Altamont landfill in Alameda County, you can't
18 say, "Hey, this was a one-time event," because you don't
19 know. It was just reported as a lump sum.

20 The other thing is contaminated soil being
21 used as ADC is not allowed at the Contra Costa County
22 landfills because that Air Resources Board of the Bay Area
23 decided that was not going to be their policy. It's
24 allowed at some landfills in Solano County and it's not
25 allowed at others. It's not fair for some jurisdictions

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1 to be able to take advantage of that and count it as
2 credit and others to be penalized for using a facility
3 that's not allowed to use it as ADC.

4 The last thing is I think that AB 939 never
5 was intended to cover Class II special waste. So we would
6 support San Joaquine County's legislative language and ask
7 that you take a look at that.

8 Thank you.

9 CHAIRMAN EATON: Thank you.

10 MR. MOHAJER: Mr. Chair, Mike Mohajer for
11 record.

12 CHAIRMAN EATON: Order in the room. Order.

13 (Laughter)

14 MR. MOHAJER: That's okay. I would just
15 like to give a little brief overview sitting over here
16 yesterday and today, to get this opportunity and I'm glad
17 I did -- give a little bit of an overview of what is Los
18 Angeles County, what is it all about, and what dilemma
19 that we have in Los Angeles County which, of what I heard
20 today, it may be a little bit different than some of the
21 other jurisdictions.

22 So with that in mind, let me just give you
23 some statistical data and I'll talk more. We have roughly
24 about over one third of the state's population in Los
25 Angeles County and we certainly do our fair share as far

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1 as generating waste and diverting waste. And so when we
2 have a problem with trying to quantify one third of the
3 total California waste that is being disposed, that's
4 certainly has to have some impact on overall policies.

5 Size-wise, we are big. Population-wise, we
6 are bigger than 42 states in the nation. Economically, we
7 run about 16th, 17th among industrialized countries. We
8 have 85 -- 88 cities and over 80 unincorporated
9 communities, as someone presented when yesterday he showed
10 L.A. City being splashed on the paper. We have a system
11 that really wasn't discussed as such over here, and that
12 is most of our waste collection in Los Angeles County as a
13 whole is an open-market basis. The majority of the cities
14 in Los Angeles County when it gets to the residential
15 waste, they do have a franchise system, but the majority
16 of the commercial waste is being collected in the
17 open-market system which, if you will, you can call it
18 self haul or you can call it independent haulers or you
19 can call it, as Evan Edgar did, as non-disenfranchised
20 system. So that makes it -- you can see the problem when
21 we talk about the self haul, what the impact it's going to
22 have on Los Angeles County.

23 The system as it stands today, we have over
24 160 independent haulers. Los Angeles County government
25 that I represent, we do not operate any landfills in Los

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1 Angeles County at all. So when we discuss such as the
2 situation in Orange County, which they own and operate the
3 landfills, it's quite a bit different than when we're
4 talking about Los Angeles County, which we do not operate
5 any landfill or same situation with Riverside County.

6 We have over 100 transfer stations, but
7 they collect waste and they report to the landfill
8 operator -- and I'm just looking at the system and how
9 much problems is going to be ultimately trying to justify
10 a number to the percentage we're looking at over here.

11 The function of the DPW, as I mentioned a
12 little bit before, we have four functions that I represent
13 and I do under 939. We do this stuff for unincorporated
14 area. We are the staff of the local task force. We are
15 the responsible agency to prepare the Countywide
16 Integrated Waste Management Plan and Countywide Siting
17 Element. So certainly we do know that about some other
18 individuals as far as what is going on with disposal in
19 the County, and we also required to report the Disposal
20 Reporting System to over 170 jurisdictions that use our
21 facility, L.A. County facility on a quarterly basis.

22 So the issue of this disposal problem and
23 how to address the inadequacy, our local task force, as
24 you know, they have conducted meeting and so on and so on
25 and came up with a number of recommendations which I have

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1 previously forwarded to this body, and some of those
2 programs get involved with the legislations and some
3 involved with the regulation, and hopefully, based on what
4 I heard today, I'm very positive that something comes out
5 of it. Again, this may not solve all the problems but
6 this addresses some of the issues.

7 As far as the issues that the task force
8 had identified to come up to the solutions, we looked
9 at -- we came up with really, if you want to summarize it,
10 we looked at two solutions. One is to address the
11 defficiency of the source and the other one is to address
12 the symptom. Now, what is the source?

13 The source that we have identified is to
14 how to make sure to implement the intent of 939, and then
15 I want to read -- I said based on our experience in the
16 large metropolitan area with over 88 cities, over 80
17 unincorporated communities, and one of the most complex
18 waste management systems, addressing this problem is not
19 that easy.

20 Addressing the accuracy of data to ensure
21 mathematical compliance with the state law is quite
22 complex and diverts substantial resources from local
23 governments that would be best used to implement waste
24 diversion programs.

25 Since enactment of AB 939, we have been

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1 struggling to accurately quantify our trash tonnage in a
2 system that places very little responsibility, if any, on
3 generators and the transporters. This has resulted in
4 local jurisdictions getting somewhat diverted from the
5 fundamental goal of AB 939, which is to reduce, reuse, and
6 recycle to the greatest extent possible.

7 Therefore, we need to place our emphasis on
8 implementing the programs identified in our Waste
9 Board-approved SRREs and not so much on what we call bean
10 counting. Certainly this requires legislation, that we
11 are working toward that aspect of it.

12 Now, addressing the symptom of the problem,
13 which may reduce some of the defficiency in the Disposal
14 Reporting System, I've listed A, creating enforcement
15 authority with penalties to ensure reporting compliance by
16 drivers and facility operators; B, mandate use of existing
17 technology such as bar codes and containers, bins, bags,
18 and bundles, scales and trucks to weigh containers at
19 automated pick up, bar code on trucks, automated vehicle
20 load manifest, JPS systems used to record exactly where
21 these tons of trash come from, or as an alternative
22 require a manifest system.

23 Currently, we do have a manifest system to
24 quantify the off-site hazardous waste. That system has
25 been in existence for many, many, many years because

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1 that's what I have to use to quantify the amount of
2 hazardous waste that's generated in the County as a whole.
3 That system requires to identify your generators,
4 transporters and disposal. Even that system as
5 complicated as it is, has a tremendous problem.

6 So the bottom -- even though I have listed
7 this, as you come and look at the solutions, don't look
8 too far and look at the manifest system that the DTSC use
9 to quantify their off-site hazardous waste and recognize
10 how much dilemma that they have, and if you're going to be
11 holding jurisdictions to one-hundredth of one percent as
12 far as the mathematical numbers are concerned, the only
13 way that I think may address the problem is to go to the
14 bar code.

15 So with that in mind, I also had prepared
16 responses to the question for panels one, two and three.
17 So I have those items in writing. I would like to
18 distribute those. I do have some extra copies if somebody
19 is interested, and I'll put it back there. I'm also going
20 to put the copies of our task force recommendations, which
21 was also adopted by quite a few of the cities in L.A.
22 County, including the County Board of Supervisor. They
23 have it back there, and I think I have some extra copies
24 that I would like.

25 So with that in mind, I want to really

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1 thank the Board again for allowing me to speak even though
2 it was a few minutes extra, and I'm looking forward to
3 really working and trying to minimize the dilemma to the
4 degree that we as a bureaucracy can do and other decision
5 that requires legislation to see what we can accomplish
6 with that.

7 Thank you very much.

8 CHAIRMAN EATON: Thank you.

9 Mr. Jones.

10 BOARD MEMBER JONES: Just a question for
11 Mr. Mohajer. Do you feel pretty comfortable that this
12 Board is -- have we given you any indication that we are
13 going to check the number to one hundredth of one percent?

14 MR. MOHAJER: I get very nervous,
15 Mr. Jones. Yesterday we were looking at the City of
16 Lakewood, and they came and -- as a staff, Waste Board and
17 staff discussing how to find the amount of self hauled for
18 City of Lakewood. If you look at the minutes of the
19 records from yesterday, the staff indicated that they have
20 quantified the amount of the self hauled, 15.49 percent.

21 BOARD MEMBER JONES: As --

22 MR. MOHAJER: And that scares the heck out
23 me because if you look at that, that means .0001. It just
24 doesn't make sense.

25 BOARD MEMBER JONES: The other side of that

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1 is that a number came forward. I forget who it was from.
2 A number comes forward that can't be verified and maybe
3 it's 45 percent and that's unacceptable. You do the math
4 and this one gets down to 15.-whatever. I think that's an
5 expression of this is the difference in the number from
6 when it was first delivered to us as opposed to what we
7 thought made sense.

8 So I think to extrapolate that out to say
9 that this Board is going to look at those numbers to one
10 one-hundredth of one percent is not part of the solution.
11 It's also a misrepresentation of what we're trying to do,
12 in my view, and if we are that lame as a Board in getting
13 that message across to people, then I apologize because
14 I've got a belly full of words up here and I obviously
15 have not been part of the solution of that. But I really
16 don't understand why, when all the actions of this Board
17 have been to look at programs and look at numbers as
18 indicators. Do the programs support the indicator or do
19 the numbers indicate that there's stuff going forward is a
20 big difference than one one-hundredth of one percent.

21 Out fairness there is a solution for
22 southern California. Form a JPA. Get all your cities to
23 agree to work with the JPA. Then you can do a
24 regionalized number. You can rely on all those cities to
25 meet the intent of the law because you have to share any

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1 penalties that do come out incrementally, but that would
2 be one way to do it is say hey, you know what? We're a
3 big happy family down here. Why don't we just form a JPA?

4 (Laughter)

5 MR. MOHAJER: Mr. Jones.

6 BOARD MEMBER JONES: One one-hundredth of
7 one percent, that's bull.

8 MR. MOHAJER: It's easy to say oh, we're
9 here and say it is very easy for the 88 cities and the
10 County to form a JPA and go forward and accomplish that.

11 As you know, the cities are formed this day
12 and separate and incorporate for the purpose because they
13 just -- they want to have the local control. So it is
14 very simple of saying over here and maybe getting some
15 response from the audience, but when it gets to the fact
16 reality of life, that's not the way it's going to happen.

17 There are certain deficiencies that really
18 the goal is try to address those deficiencies, to do what
19 makes sense, and that's at least what Los Angeles County
20 and my Board of Supervisors is after.

21 And one very specific thing for the matter
22 of the record, we are not in any way wanting to undermine
23 what the intent of 939 is, to reduce waste generation and
24 to protect our natural resources. So the idea is not that
25 whatsoever, even though it may have been presented

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1 different. Not by this board, but some other individuals,
2 but we have to look at -- at least we are down in the
3 trenches, you and I and the rest of us, trying to chase
4 the numbers and trying to come up with something that
5 would make sense and does what we intend to do, to reduce
6 waste. And again from that aspect of it, regardless of
7 what it said, from Los Angeles County Public Works, really
8 we do want to work with the Board and staff, as I
9 mentioned, in trying to come up with improving the system
10 to the degree that you as a regulator, you as an
11 implementor can achieve.

12 And again, like the tape recorder, certain
13 things legislation has to enact. At our level there's
14 certain things that we can do that it makes sense is not
15 going to be 100 percent perfect, because when that
16 happens, we're out of a job. And that's not going to
17 happen.

18 BOARD MEMBER JONES: I agree with that.
19 What I'm trying to do -- I'm not stupid. I understand
20 that there would never be a JPA in L.A. County, but it's
21 as absurd -- that statement is as absurd as one
22 one-hundredth of one percent, in my view.

23 MR. MOHAJER: I used the example of
24 yesterday that the staff said with the City of Lakewood.

25 BOARD MEMBER JONES: But it was in

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1 comparison to another number that was unacceptable. It
2 wasn't that we quantified what the self haul was. It was
3 a closer number than what had been reported, and that's --
4 we always lose little pieces. And that's a pretty huge
5 piece.

6 MR. MOHAJER: Mr. Jones --

7 BOARD MEMBER JONES: When you go from 45 to
8 15, or whatever the number was.

9 MR. MOHAJER: Mr. Jones, I have been
10 involved with all waste management issues with L.A. County
11 since '84. If anybody knows about the numbers as far as
12 solid waste is concerned in L.A. County, I don't want to
13 give myself credit. It is my job. That's what I get paid
14 to do since '84. And when I came, in 1990 when everybody
15 said our disposal tonnage is 10 million, I said no, it is
16 16. It took them seven, eight years to come to realize
17 that 16 million was correct. Now I lost my line of
18 thought, but anyhow, I do want to work with you.

19 Tomorrow, as I have sent the letter
20 around, we're going to have our own local task force where
21 we're going to be addressing to see whatever we can
22 (inaudible) do the waste origin survey on a daily basis
23 rather than a quarterly. We don't have the authority to
24 mandate. We're going to be assuming the task force that
25 is going to be request. You're more than welcome.

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1 Again, we really want to work with this
2 Board to address some of these problems that we have and
3 go from there.

4 CHAIRMAN EATON: And my understanding is
5 we're going to have a representative at that meeting
6 tomorrow.

7 MR. MOHAJER: That's what I have been told
8 also. Mr. Chair, I want to thank you for working on that.

9 CHAIRMAN EATON: Thank you.

10 MR. KALSCHEUER: Good afternoon. Cary
11 Kalscheuer, Senior Management Analyst, City of Covina.

12 I just wanted to say that we have tried the
13 JPA idea in L.A. County. We had a member of 16 cities
14 members of this JPA. We went from developing the SRRE to
15 an implementation phase, and that's when things fell
16 apart. Every city had a different agenda, different
17 contractual constraints with their waste haulers,
18 different ideas about how to achieve their goals, and in
19 fact, different diversion rates, some of which were very
20 high and very low. Some didn't want to -- some felt
21 obligated to carry other cities, and it just didn't work
22 out.

23 The other issue Mike mentioned is this --
24 the bar code idea. If Mr. Eaton wanted to clean out his
25 garage over the weekend, he lives in an unincorporated

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1 area of Covina. He thinks he lives in Covina. He pays
2 cash. How does the bar code apply to that self haul
3 incident? It doesn't make sense to me.

4 The self haul problem is clearly a problem
5 in terms of this Disposal Reporting System, which was the
6 subject of these panel discussions today. So we're not
7 talking .00 percent. We're talking 10 to 20 percent error
8 in the Disposal Reporting System. I made a comment that
9 to me, the criticisms of the Disposal Reporting System
10 were overwhelming. I think that there was some statements
11 made by Board Members that perhaps things can be worked
12 out. Certainly I hope that's the case. I remain
13 skeptical.

14 What I would like to see in follow-up to
15 this lengthy workshop, which I do appreciate, is that the
16 criticisms of the Disposal Reporting System be cataloged
17 and reported back to the participants and attendees at
18 this meeting. And also there were a number of good ideas
19 to address the criticisms. I would like to see all the
20 good ideas listed, and if staff thinks they can address
21 the criticisms, I would like to see that argument put
22 forward.

23 I personally do not think that you can
24 solve the problem. It is very basic. People do not know
25 where they're coming from, they're not providing accurate

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1 information. There are numerous problems I don't need to
2 go over at this time, but I would like to see the
3 criticisms listed, proposed solutions listed, and I would
4 like to see if the staff can come up with a recommendation
5 that these solutions will address the criticisms, a work
6 plan of sorts.

7 I would like to feel confident that we do
8 not have to introduce legislation and make changes to AB
9 939. I think that you've gone through an exercise here
10 today. Let's write it down, let's go through the process
11 of seeing if we can make this system work. If not, I
12 think that this Board has an obligation to look at
13 legislative changes to AB 939.

14 One possible change that I thought of in
15 listening to all this is what Orange County suggested with
16 respect to self haul. They suggested that the landfills
17 be responsible for diverting the self haul waste. Cities,
18 we're having a very difficult time being responsible for
19 the self haul waste, and I'm not sure that it's a
20 appropriate responsibility for cities to divert 50 percent
21 of the self haul and cash customer waste. But if these
22 haulers are going directly to the landfill, perhaps the
23 responsibility needs to fall on the landfill, and then
24 cities can take their responsibility of diverting the
25 waste that they can control, contract for like franchise

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1 agreements. We can control the waste, which as I
2 indicated was 50 to 60 percent controlled by our
3 franchisee. We can control that we can implement
4 programs, but this waste is off limits to our activities
5 to some extent, it is very difficult. That's one possible
6 legislative change that you could introduce.

7 But I feel that we should, following this
8 meeting, go through this exercise, and I feel the Board
9 should have some responsibility here in looking at options
10 legislatively. Mike and his handout has just iterated a
11 comment that I heard several times today, and that is that
12 perhaps we look at a more programatic approach to this
13 mandate. And I certainly support that and think it is
14 warranted and certainly is something that you'll find in
15 other mandates if you do the research and review those in
16 some detail.

17 Thank you again. Covina appreciates this
18 forum.

19 CHAIRMAN EATON: Thank you. And I know
20 that staff will be cataloging with regard to some of the
21 solutions. I think that's going to require a lot more
22 public debate and public discussion in a number of public
23 forums. With that, seeing no more speakers, any closing
24 comments?

25 Mr. Pennington.

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1 BOARD MEMBER PENNINGTON: Only,
2 Mr. Chairman, that I think this has been a very worthwhile
3 session workshop. I'm particularly delighted that the
4 participants feel that it was a worthwhile effort. It's
5 been a long two and a half days, so we're maybe not as
6 enthusiastic as we might seem to be, but I think it is
7 really great and we've, I'm sure, all heard some very
8 valuable information. I know even though I'm a
9 short-timer, it's information that I can certainly use in
10 the next short time that I'll be around I think.

11 So I want to thank those who are remaining
12 here for coming and participating and making it
13 worthwhile, and I'm glad that you all felt that you got
14 something out of it, too.

15 CHAIRMAN EATON: Mr. Jones.

16 BOARD MEMBER JONES: Thanks, Mr. Chairman.

17 I also want to thank everybody for coming
18 forward. I like these kinds of discussions to hear a lot
19 of different ideas. I think that I, too, am a short
20 timer. Our terms end at the same time. I may be out of
21 here too. But in that, in that time that I'm here, I
22 think that the information that came forward, I'm not -- I
23 really just think that it is not just criticism, but
24 indicators of where we really need to look.

25 I always felt that this system, I don't

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1 think the system is broken as much as defining the
2 responsibilities of each one of the parties that are party
3 to it. The haulers, the cities with ordinances, a whole
4 lot of different things, and I think we need to have a lot
5 of discussion about how do we do this that it makes sense.
6 I think that -- I love Mike Mohajer. I want him to know
7 when he comes up here he always adds value. He knows that
8 I'm very sensitive to the ideas about numbers because I
9 use it as an indicator there.

10 This is all about estimates, but they've
11 got to be fair estimates. When a city comes in with minus
12 152 percent and they're doing a curbside program, I'm not
13 sure we have enough information to verify whether or not
14 that's a good faith effort. So it's a tool to help
15 jurisdictions learn. I think this exercise gives us the
16 opportunity to look at a wide range in a menu of things
17 that can happen in the future, but it's going to take the
18 participation of the stakeholders.

19 You can't rely on our staff or this Board
20 to know what's going on in Covina, West Covina, Pasadena.
21 We know what we're told, and we need to get the input from
22 you, and we can offer suggestions to say if you look at
23 this waste stream, what can you do that doesn't create a
24 big problem to get a handle on it. And it may be an
25 ordinance that says if you're going to tear a building

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1 down, let us know where the material is going to be
2 recycled. That's part of the solution. That's an easy
3 thing to do. We need to work on those types of things
4 through this information.

5 I am worried about the investment that has
6 been made throughout this state to build an infrastructure
7 to meet the mandates of AB 939, and if we allow self haul
8 tonnage to escape that infrastructure without doing
9 anything locally to manage it, rates are going to go up,
10 you're going to have an infrastructure you can't fund, and
11 you'll be looking at a financial crisis in the state of
12 California that is going to be devastating. And if you
13 want to say that's just that company's problem, that
14 translates to the citizens. So I think that's the picture
15 that needs to be part of this discussion.

16 CHAIRMAN EATON: Ms. Moulton-Patterson.

17 BOARD MEMBER MOULTON-PATTERSON: Thank you,
18 Mr. Chair. I would just like to echo what my colleagues
19 have said about this meeting being very, very worthwhile.
20 Though we might see a little tired, we were here after
21 8:00 last night. I really, really hope you all feel the
22 same, too.

23 I'm not saying this about me because I'm
24 brand-new, but I've been on a school board for seven
25 years, a city council for four years, the California

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1 Coastal Commission for five years, and I've really never
2 seen a group of people that listen like this Board and a
3 staff as committed as this staff is committed to helping
4 and trying to work out a solution while we reach goals of
5 AB 939.

6 So I really do hope you feel you're
7 listened to. I think you really have great people here
8 that want to help, and we understand your frustration.

9 Thank you.

10 CHAIRMAN EATON: Thank you. And in
11 closing, I have just couple of brief remarks.

12 First, I would like to thank each of my
13 colleagues and those who had to leave early for putting up
14 with two and half days of a Board meeting. I thank you
15 all. And also to the staff. When this sort of idea came
16 to us basically from meeting with individuals such as
17 yourselves, part of it came out of a meeting we had in
18 Orange County with representatives from Brea, Los Angeles,
19 Contra Costa County. All of the staff came up to it and
20 put together the panel and I would like to say thank you.
21 You've done a wonderful job, seriously.

22 And also to you who took the time today, I
23 just want to say a couple of comments, more philosophical
24 as opposed to tending to be practical. This is an
25 experiment. You have to realize. Let's not forget where

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1 we came from. If you forget where you came from, you're
2 never going to know where you're going, and this was an
3 unfunded mandate. We've come a long way, and if these are
4 some of the serious problems that exist, then they are
5 problems that are manageable and can be dealt with.

6 You're absolutely right about state
7 agencies. I would encourage you that it's really been
8 some of your local representatives and some of your
9 elected officials who have fought us about getting state
10 agencies to be a part of it. Your local school districts,
11 that's where some pressure can be applied.

12 We're trying here. We have a Governor now
13 who signed a bill that we have tried for a number of years
14 to get through. You're absolutely right. That is a
15 problem, and that is a policy decision whether or not
16 those who are outside the system ought to be allowed to
17 participate in the system. Maybe they ought to be charged
18 extra disposal fees or whatever it might be, but there's
19 no question, no doubt about it. It's there, the state
20 agencies.

21 The federal agencies, absolutely the same
22 thing. We've tried things with federal agencies, at least
23 with the military bases, where we've gone through with
24 them and gotten in ahead of time. So I think that same
25 problem exists. We've got to come up with a solution of

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1 how to use Mr. Best's term of separating them out or using
2 the one-event criteria of how we deal with them.

3 The other thing is that when you talk about
4 simplicity, efficiency, and at the same time talk about
5 verifiability, those are not necessarily compatible terms.
6 They conflict at various junctures. The question is it's
7 always a balancing act as to which. I think to make them
8 more simple and more efficient is a good thing.

9 The question is how then can you verify,
10 and verifying really is not for the purpose of having a
11 lot of staff or a lot of people sort of going out there
12 and looking over your shoulders, but those of you who are
13 actually taking the time to implement the programs, those
14 of you who came up here, ought to have a stake in it for
15 those who are not. It may come as a surprise to you, but
16 there are a number of jurisdictions who aren't making the
17 effort, and I think that's unfair to those who are. And
18 that's a sense of fairness that I think that we have an
19 obligation to. I think they have now seen the light.

20 The other little point I would like to make
21 if the penalties weren't around the corner, or at least I
22 think they are, would we be here discussing these issues
23 in the depth that we have? And I'll leave to you decide
24 that, but I think that what you can't focus on is the
25 penalties. And I know that looms large in everyone's

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1 mind, but the penalties are far, far, far away in the
2 future, if any.

3 And I say if any because I think you have
4 to look at some of the issues that were brought up, but
5 the SB 1066 program that we're about to enter into takes
6 place throughout spring. It's a series of workshops. I
7 think a lot of these issues are going to have to be how do
8 we blend some of these one-event issues into that 1066
9 program with good faith effort or do we separate out. I
10 think that's where the proper role and the proper place
11 for some of these issues should be not necessarily
12 resolved, but factored in and considered, need to take
13 place. The penalty phase, because all of you who are the
14 ones who are sitting there saying oh, boy. How am I going
15 to go back to my constituents, I think really kind of look
16 at that this Board is not unsympathetic -- in fact, I
17 don't think California really has anything to be ashamed
18 of.

19 I can't tell you over the last four or five
20 weeks I get a phone call, whether it be the New York
21 Times, the Christian Science Monitor New York bureau --
22 not the L.A. bureau, the New York bureau -- wondering if
23 we're going to hit our 50 percent goal. I use the
24 standard term cautiously optimistic, along those lines,
25 and I don't think we have anything because we are the

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1 leader, we have been a leader in this, and I think that
2 we'll get the system right at some point.

3 So as you drive home or you fly home or
4 what have you, I think you look at what we need to do over
5 the next 12 months to put us in a position wherein that we
6 will be able to hold up to the world and to the other
7 states that we have succeeded because it is a good system
8 in the sense that we do conserve resources, we do divert
9 material for beneficial uses. It is not easy. We all
10 know that if we had great markets out there, a lot of your
11 problems would probably go away and we would not be
12 dealing with a lot of these issues that we sometimes have
13 to deal with on a regular basis.

14 So with that, I'll say no more. And I just
15 hope that you will actively participate in the SB 1066
16 workshops which are the extensions of time for those of
17 you who may not sort of understand what the legislative
18 jargon happens to be. But that's going to be a very, very
19 important point for all of us because there are issues in
20 there which I think can help bring some sort of coherency
21 and some sort of consistency to the overall goals without
22 hurting each and every person who has tried to
23 participate.

24 And with that, I thank you very much. Have
25 a lovely evening and have a lovely Thanksgiving.

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1 BOARD MEMBER PENNINGTON: Mr. Chairman.

2 CHAIRMAN EATON: I'm sorry.

3 Mr. Pennington.

4 BOARD MEMBER PENNINGTON: I really feel
5 that I neglected to thank the staff and what a wonderful
6 job they did in putting this all together and getting the
7 issues framed. You all have done an excellent job, and I
8 certainly appreciate it and I know my colleagues do, too.

9 BOARD MEMBER JONES: I think Mr. Eaton
10 needs to take a little credit for coming up with the idea
11 to frame that stuff. Thanks.

12 CHAIRMAN EATON: Thank you. Have a happy
13 Thanksgiving.

14 * * *

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1 STATE OF CALIFORNIA

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4 I, Terri L. Emery, CSR 11598, a Certified
5 Shorthand Reporter in and for the State of California, do
6 hereby certify:

7 That the foregoing proceedings were taken
8 down by me in shorthand at the time and place named
9 therein and was thereafter transcribed under my
10 supervision; that this transcript contains a full, true
11 and correct record of the proceedings which took place at
12 the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest
16 in the event of the action.

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19 EXECUTED this 3rd day of January, 2000.

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Terri L. Emery

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